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REPORT

ON THE

ADMINISTRATION OF CIVIL JUSTICE

IN THE

PUNJAB AND ITS DEPENDENCIES

DURING THE YEAR

1888.

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No. 4 —Statement showing the general result of the trial of civil cases in the Courts of Original Jurisdiction in the Punjab during the year 1888 (Part II, Miscellaneous cases)

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Extracts from the Annual Civil Reports of Divisional and District Judges

Proceedings of the Hon'ble the Lieutenant-Governor of the Punjab, in the Home (Judicial) Department,—
No. 883, dated 26th July 1889.

READ—

The Report on the Administration of Civil Justice in the Punjab for the year 1888.

REMARKS.—As compared with 1887, there has been an increase of 9,798 suits instituted in the Civil Courts in the year under review, the figures for these two periods being 248,177 and 257,975. The establishment of Revenue Courts in this Province at the close of the year 1884 caused a considerable reduction in the number of civil suits in the following year, the institutions falling from 262,860 to 247,047. The Punjab Tenancy Act of 1887 transferred a larger number of classes of suits to the Revenue Courts than did the Punjab Courts Act of 1884; nevertheless the work of the Civil Courts during the year 1888 has considerably increased. The increase is most marked in suits for immoveable property, the number of which rose from 24,516 in the previous year to 27,439. No explanation of this rise is suggested in the Report, but it is observed that some of the local officers attribute it with apparent reason to the recent activity of the Revenue Department, which brings to light many facts that lead to litigation. It is also possible that the unusually large number of Settlements at present in progress in the Province may have some connection with the number of such suits, as at such times rights in land are keenly contested by the people.

2. The total number of suits for disposal, including those pending from the previous year, those instituted during the year under review, and those re-admitted, rose from 278,228 in 1887 to 285,973, while the number disposed of aggregated 268,174 as against 260,912 during the previous period. In spite therefore of the increased number of cases for disposal, the pending file at the end of the year showed only 483 cases in excess of the figures for 1887. This shows that the Courts have performed a larger amount of work than previously. It appears from the figures given in paragraph 25 of the Report that the chief increase in the number of suits decided was in the Courts of Munsiffs and Honorary Civil Judges, while Extra Assistant Commissioners disposed of only 16,725 cases as against 19,908 in the previous year.

The Judges observe that they have noticed a tendency on the part of some District Judges to relieve the Extra Assistant Commissioners of Civil work at the expense of the Munsiffs without regard to the character of the suits transferred. The reason assigned is that the pressure of criminal, revenue and executive work has been so great that Assistant and Extra Assistant Commissioners are apt to neglect their work as Civil Courts. The Lieutenant-Governor will be glad to learn what orders the Judges propose to issue in the matter. The amount of criminal and other work is no doubt annually increasing, and an effective administration of the criminal law is a matter of great importance. At the same time the proper adjudication of rights in land and other immoveable property must not be lost sight of, and the agency of the Munsiffs' Courts is, as the Judges observe, of itself not equal to the attainment of that end.

3. Honorary Civil Judges disposed of 12,697 suits during the year, an increase of more than 2,000 on the figures of 1887. The Lieutenant-Governor desires to record his acknowledgments of the valuable assistance rendered by these gentlemen.

4. There has been a very slight increase in the percentage of wholly infructuous decrees, and a similar decrease in that of completely

and partially executed orders. On the other hand, the percentage of money realized to the value of money decrees in execution has improved. Sales of hereditary land and arrests and imprisonments of debtors show large decreases. During the last eight years the proportion of wholly infructuous decrees has been steadily rising; while in 1881 the percentage was 38·2, in 1888 it was 47·9. It is doubtless the fact that the constitution of Revenue Courts in the year 1884 and the consequent withdrawal of the jurisdiction of the Civil Courts in regard to many disputes about interests and rights in immoveable property caused a perceptible difference in the proportion of infructuous decrees, because the execution of orders relating to land is obviously more easily attained than in cases in which only moveable property or money is concerned. The Lieutenant-Governor agrees with the Judges in taking a not unfavourable view of the working of the Courts in the matter of execution of decrees. The Judges' remarks show that they fully recognize the importance of carefully supervising this branch of the judicial administration. One defect is the inefficiency of the establishment entrusted with the duties of attaching property and conducting sales, and proposals were submitted last year by the Judges for the revision of the Sheriffs' establishments and recommended for adoption to the Government of India. These recommendations, however, have not been accepted, and some time further must elapse, pending a modification of the scheme proposed, so that there is little chance of much improvement being effected in the execution of decrees at any rate until next year.

5. The work of the District Small Cause Courts was very much the same as in the previous year, 15,709 cases being disposed of against 15,446 during 1887; but there has been a considerable diminution in the number disposed of by Cantonment Courts of the same character, namely, 7,593 cases against 9,353. It is suggested that institutions have fallen-off in Cantonment Courts owing to changes among the presiding Judges and the employment of officers with limited powers. This explanation is reasonable. Under the present orders of the Government of India junior Military Officers are selected as Cantonment Magistrates, holding the appointment for five years; hence it must sometimes happen that the presiding Judge of the Court is not considered competent at first to exercise the wider powers which have been given to officers of more experience. In paragraph 45 of the Report it is stated that the Lieutenant-Governor has not accepted a proposal made last year to invest certain officers in selected tahsils with limited Small Cause Court powers in order to deal finally with the bulk of petty litigation. The proposal was negatived by Sir James Lyall because he considers that the procedure of a Small Cause Court is ill-suited to an agricultural population. The question was fully discussed twenty years ago, when Sir Robert Montgomery was Lieutenant-Governor, who pointed out that in Small Cause Courts every summons is for the final disposal of the suit, and the parties are supposed to have a sufficient knowledge of procedure to comprehend the issues, and *proprio motu* prepare the evidence for the plaint or defence. His Honor thinks that this objection has still much force, and for this reason felt himself unable to accept the Judges' recommendation. The question of providing adequate means for the disposal of the mass of petty litigation is, moreover, a matter involving wider issues than the appointment of a few officers with Small Cause Court powers. The subject was noticed at some length in paragraph 6 of the Review of the Report of the Civil Justice Administration for the year 1887, and need not be further discussed here. No conclusion has yet been reached, as more important questions relating to the administration of the criminal law have during the past year occupied much of the attention of the Government and its officers.

6. The appellate work of District Courts presented no abnormal features. The number of appeals for disposal was but 31 in excess of the figures for the previous year, but the pending file at the close of the year was larger. It is, however, satisfactory that the average duration was 26 days

against 27 in 1887 and 30 in 1886, while only 21 appeals were pending for more than three months.

The number of appeals instituted in the Divisional Courts was lower than in any of the previous three years, while the disposals exceeded those of the year 1887 by 1,218 cases. The average duration of appeals in these Courts fell from 161 to 144 days, but the pending files in the Jhelum, Hoshiárpur, Jullundur and Amritsar Divisions are still heavy and prevent a satisfactory reduction in the average duration. It is hoped that the amendment of the law of appeal contained in Act XIII of 1888, which took effect on November 16th of that year, will materially reduce the number of appeals preferred to the Divisional Courts and enable them to avoid accumulations of arrears. The change of law has not, however, been sufficiently long in operation to allow of an accurate forecast as to what will be the normal condition hereafter.

7. There was a substantial increase of work for the disposal of the Chief Court as compared with the year 1887. This increase occurred under the heads of appeals from decrees, applications for revision, and miscellaneous cases. The numbers of appeals and applications for revision were, however considerably less than in the year 1886. The congested condition of the Civil business of the Chief Court was remarked on in paragraph 9 of the Review on the Civil Justice Report for 1887, and the remedial measures which were proposed were explained. In November of that year Her Majesty's Secretary of State sanctioned the retention of the fifth and sixth Judges for a year or for any shorter period in which it might be found possible to dispose of the arrears in the Court. At the close of the year under review, though the number of appeals from decrees disposed of was 2,214 to 1,354 in the preceding year, the pending file amounted to no less than 2,054 cases, the total number for disposal during the year being 4,268. At the same time revisional and miscellaneous applications are stated to be increasing. The Lieutenant-Governor has carefully considered the statistics which have been prepared showing the state of work in the Court during the first five months of the present year, and, with every allowance for the effect of the new law of appeal, he confidently concurs in the opinion expressed in the Report that for the proper performance of all its duties it will be necessary to retain five Judges permanently in the Court. Proposals have accordingly been submitted for the approval of the Government of India and the sanction of the Secretary of State. At the same time the retention of a sixth Judge until the end of the year, omitting the vacation, has also been recommended.

ORDER.—Ordered, that a copy of the above Review with a copy of the Report be submitted to the Government of India in the Home Department and that a copy of the Review be forwarded to the Registrar of the Chief Court, Punjab, for the information of the Judges and for circulation with the Report.

Ordered also, that the Remarks be published in the *Punjab Government Gazette.*

By order of the Hon'ble the Lieutenant-Governor.

C. L. TUPPER,

Secretary to Government, Punjab.

Punjab Government Press, Lahore.—30-7-89—295.

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FROM

A. WILLIAMS, ESQUIRE,

Registrar, Chief Court, Punjab,

To

C. L. TUPPER, ESQUIRE,

Secretary to Government, Punjab.

Dated Lahore, the 8th June 1889.

SIR,

I AM directed to submit the report on the Administration of Civil Justice in the Punjab for the year 1888.

PART I.—ORIGINAL JURISDICTION.

A.—INSTITUTIONS, CLASSIFICATION AND VALUE OF ORIGINAL CIVIL SUITS.

Number of suits instituted.

2. The following statement gives the number of suits instituted in the Civil Courts of the Province in each of the last six years.

GRADE OF COURT.	1883.	1884.	1885.	1886.	1887.	1888.
Chief Court	1	3	4	3	3	4
Divisional Courts	...	3	5	9	7	3
District Courts of General Jurisdiction	239,814	241,197	225,392	218,427	223,917	235,287
District Small Cause Courts ...	13,537	13,825	13,883	15,680	15,041	15,162
Cantonment Small Cause Courts ...	7,616	7,832	7,763	8,204	9,209	7,519
Total ...	2,60,968	2,62,860	247,047	242,323	248,177	257,975

Fluctuations remarked upon.

3. The number of suits instituted is higher than in any of the preceding three years, and not much below the figures reached in 1883 and 1884. The large increase of 9,798 over the year 1887 is remarkable, and shows that the change made in the Revenue law of the Province towards the close of 1887, by which certain classes of suits were transferred from the Civil to the Revenue Courts, has had no effect in reducing the civil litigation of the Province. Institutions have fallen off in Cantonment Small Cause Courts, owing probably to changes among the presiding officers of these Courts, by which officers with limited powers have been employed in some of them. In District Small Cause Courts, the number of institutions has maintained the advance made in the year 1886 over previous years, and is very nearly the same as in the year 1887. The chief increase has been in District Courts which show an advance of 11,370 cases. There was an increase in 23 districts, notably in the Amritsar, Lahore, Gurdaspur and Delhi Districts. The largest decrease was in the Mooltan District.

Classification of suits

4. The following table gives the number of suits under the chief heads of classification for the last four years :—

	Description of suits.	1885.	1886.	1887.	1888.
I.—Suits for money or moveable property.	On registered bonds	3,441	2,951	2,682	2,525
	On unregistered bonds	85,856	83,497	85,692	90,012
	Otherwise than on bonds	104,244	101,250	102,580	105,875
	For rent other than of land	3,015	2,923	3,275	3,586
	For moveable property or value thereof ..	14,794	14,602	16,451	16,167
	For damages	1,501	1,882	2,246	2,081
	Other suits	1,427	1 769	1,673	1,976
	Total ...	214,278 87, p c	208,874 86, p.c.	214,602 86, p c.	2,22,223 86, p.c.
II.—Rent suits and suits under the Punjab Tenancy Act ...		41	11	...	5
III.—Other suits.	For immoveable property	23,592	24,336	24,516	27,439
	For a declaration of right...	2,520	2,432	2,483	2,536
	For specific performance	186	271	213	199
	Relating to betrothals, marriage, divorce and dower	5,286	5,446	5,339	4,687
	For or relating to partition	257	141	225	184
	Not included in the above	887	812	799	702
	Total ...	32,728 13, p c.	33,438 14, p.c.	33,575 14, p.c.	35,747 14, p.c.
	Grand Total ...	247,047	242,323	248,177	257,975

Increase and decrease under various heads noticed

5. Suits on registered bonds continue to show a falling off and represent about 1 per cent. of the litigation under the first head. Suits for moveable property or the value thereof and for damages, stand somewhat below the numbers for the previous year, but the number is higher than that for either of the two preceding years. Suits for specific performance, suits relating to marriage, betrothal, divorce and dower and suits not specified in any class taken together are somewhat below the figures for previous years, but under all other heads there is an increase. This increase is most marked in the case of suits on unregistered bonds, in suits otherwise than on bonds, and in suits for immoveable property. The percentage of suits for money and moveable property and other suits, respectively, to the total number of institutions, shows no change. Thus, while civil litigation still shows a tendency to increase, the figures for the year under report present no abnormal features, and no special reasons can be assigned for the fluctuations shown in the returns.

Value of suits.

6. The total value of suits and the average value per suit under the four heads of classification given in Statement III, were as follows :—

Class of suit.	Number of suits.	Value.	Average value		
		Rs.	Rs	A.	P.
(1).—For money or moveable property ...	222,223	1,28,82,327	57	15	6
(2).—For land assessed or subject to assessment ...	20,940	56,58,827	270	3	10
(3).—For other immoveable property	7,845	15,87,627	202	5	11
(4).—Other suits	4,589	33,73,048	735	0	5

Comparison with previous year

7. The total value of suits under the first head is below that for the previous year; the average value has fallen from Rs. 61-3-3 to 57-15-6. Under the head of suits for land subject to assessment, the total value has risen from thirty to fifty-six lakhs, though the

number of cases is only 4,000 more, and the average value is Rs. 270-3-10, against 179-4-4 only. Other suits for immoveable property, though less by 554, are shown as worth Rs. 4,69,173 more, the average value being 202-5-11 against 133-2-8 only in the previous year. The value of other suits has more than doubled. These remarkable differences are probably due to the operation of the Suits Valuation Act, and of directions issued thereunder, and to instructions issued by this Court regarding the compilation of special returns, showing the value of the different classes of suits. The value of suits for land and immoveable property given for the year 1888 is the true value, while in the previous year land suits were valued according to the value fixed for Court Fee purposes. The value of land suits in future years will be regulated by the rules recently issued by Government under the Suits Valuation Act. The full effect of the changes made in the system of valuing suits will be seen when the returns for the current year are received; the year under report must be regarded as an altogether exceptional one in this respect, and no useful comparison with previous years can be made.

Average cost of suits.

8. The average cost of suits during the year was Rs. 11-1-4, against Rs. 7-6-9 in the previous year, and Rs. 9-8-6 in the year 1884 and Rs. 11-2-3 in 1885. Having regard to the very great rise in the average value of suits, the results are not abnormal and call for no special explanation

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B.—Disposal of Original suits by Courts Subordinate to the Chief Court.

Original civil work disposed of in Divisional Courts.

9. The amount of original civil business disposed of by the Divisional Courts is exceedingly small. Divisional Courts disposed of 6 original civil suits out of 7 for disposal, as compared with 5 out of 9 in the previous year.

Original civil work disposed of and pending.

10. The following abstract shows the number of suits for disposal, disposed of, and pending at the close of the year for each of the past three years :—

Year.	Number of original suits.		
	For disposal, (pending, instituted and re-admitted).	Disposed of.	Pending.
1886	269,147	250,012	19,135
1887	278,228	260,912	17,316
1888	285,973	268,174	17,799
Difference ...	+7,745	+7,262	+483

Result satisfactory.

11. The file for disposal was considerably in excess of that for the preceding year, which was itself much larger than that for the year 1886, the increase being 9,081 in 1887 over 1886 and 7,745 in 1888 over 1887. This represents a substantial increase in the work of the Courts. The actual disposals have kept pace with the work for disposal, and the pending file is only slightly larger than that at the close of the year 1887, and is below that shown in the returns for 1886. It is satisfactory to find that the Courts were able to dispose of the large number of 268,174 suits out of 285,973 before them for disposal.

Manner of disposal.

12. The abstract given below shows the manner in which the original civil suits were disposed of during the past three years :—

	Percentage decided—		
	1886.	1887.	1888.
Without trial	19·4	19·4	19·4
„ contest	50·4	50·2	50·5
On reference to arbitration	0·8	0·8	0·8
After contest ... for Plaintiff	21·1	21·3	21·7
After contest ... for Defendant	8·3	8·3	7·6

Further details as to disposal.

13. Further details of the disposal of suits during the years 1887 and 1888 are given in the annexed table.

1	2	3	4	5	6	7	8	9	10
Years.	*Percentage of cases.*								
	Dismissed in default.	Withdrawn with leave, Section 373, Civil Procedure Code.	Compromised.	Decreed on confession.	Decreed or dismissed *ex-parte*.	Referred to arbitration.	Contested and decided in favor of plaintiff.	Contested and decided in favor of defendant.	Percentage of contested cases decided in favor of Plaintiff to the number contested.
1887	18	0·5	19·5	18	13	0·8	210	8	72
1888	17	0·4	19·1	18	13	0·8	21·7	7·6	73

Results call for no special remarks.

14. These results call for no special remarks. The action of the Courts in disposing of the business coming before them, has been almost the same during each of the past three years.

Dismissals by default and *ex-parte* decisions.

15. The following statement shows the details of dismissals in default and *ex-parte* decisions for the last three years:—

Year.	Dismissals in default.				Ex-parte decisions.					
	Number of cases dismissed in default under Sections 97 and 98, Civil Procedure Code.	*Number of applications for restoration to the file of cases dismissed under Sections 97 and 98, Civil Procedure Code.*		Number of fresh suits brought on claims dismissed in default under Sections 97 and 98, Civil Procedure Code.	Number of cases in which judgment passed *ex-parte* against a defendant under Section 101, Civil Procedure Code.	*Applications to set aside ex-parte decrees.*		Number of cases in which suit was dismissed under Section 102 Civil Procedure Code.	*Applications under Section 103, Civil Procedure Code.*	
		Admitted.	Refused.			Admitted.	Refused.		Admitted.	Refused.
1886	46,515	6,498	2,577	318	30,526	2,320	1,790	3,484	1,129	390
1887	45,083	6,323	2,622	347	27,226	2,079	1,519	3,294	1,095	393
1888	47,659	5,630	2,306	346	32,298	2,639	1,888	3,504	1,221	439

Thus, although the number of dismissals on default was greater, the number of applications for restoration of the suit to the file was smaller than in the year 1887. The action in cases heard *ex-parte* is much the same as in previous years.

Districts in which percentages were highest.

16. The following districts show the highest percentages of disposals under these heads :—

	District.	*percentage.*
DISMISSALS ON DEFAULT	1. Siálkot	7
	2. Gurdáspur	7
	3. Amritsar	6
Ex-parte DECISIONS	1. Siálkot	8
	2. Lahore	8
	3. Amritsar	7

Contested suits.

17. The percentage of contested suits to the total number disposed of was the same as in the year 1887, namely, 30. Of contested suits, 73 per cent. were disposed of in favor of the plaintiff against 72 per cent. in the previous year. These results are about the same as usual.

References to arbitration.

18. There were 2,051 suits decided by arbitration during the year, as compared with 2,054 in 1887.

References to commissions.

19. The number of commissions issued for local investigation, and for examination of accounts is given in the annexed abstract :—

YEAR.	*For local investigation.*						*For examination of accounts.*					
	To a revenue official.	To any other person.	Total.	Average cost.			To a revenue official.	To any other person.	Total.	Average cost.		
				Rs.	A.	P.				Rs.	A.	P.
1887 ...	309	2,526	2,835	4	12	10	36	1,487	1,523	4	9	4
1888 ...	262	2,335	2,597	5	12	0	49	475	524	3	13	0

There has thus been a considerable decrease in the number of commissions issued, which may be regarded as satisfactory.

Attachment before judgment.

20. Property was attached before judgment in 520 cases as compared with 481 in 1887 and 561 in 1886. Compensation for improper attachment was awarded in only one case. The number of attachments before judgment was largest in the Lahore District, where process was issued in 73 cases. The action of the Courts in this respect seems to have been sufficiently careful.

Decrees bearing interest.

21. The following figures give the number of cases in which interest was allowed on the amount decreed, for the last five years :—

	NUMBER OF CASES IN WHICH INTEREST WAS ALLOWED ON AMOUNT DECREED.				
	1884.	1885.	1886.	1887.	1888.
By consent	1,636	1,924	952	449	440
Without consent	347	304	168	88	72
Total ...	1,983	2,228	1,120	537	512

The average rate of interest allowed was Rs. 6-8 per cent. and in cases of consent Rs. 7 per cent. The results show that the Courts are careful not to allow interest after decree, except under very special circumstances otherwise than by consent. The rates allowed are moderate.

Pending files.

22. The pending file increased from 17,316 at the close of 1887 to 17,799. Out of these 1,221 were pending under Section 99 A, Civil Procedure Code. The number of suits pending was highest in the following districts :—

Lahore	1,375
Ferozepore	1,360
Siálkot	1,336
Gurdáspur	1,260
Amritsar	946
Rawalpindi	933

There is no reason to suppose that the pending file was unnecessarily high in any district.

Average duration.

23. The average duration of suits for the whole Province was 33 days for contested, and 21 days for uncontested cases, as against 34 days for contested, and 22 days for uncontested cases in 1887. The districts showing the highest averages are given below :—

Contested cases.		Uncontested cases.	
Montgomery	51 days.	Bannu	33 days.
Ferozepore ... / Hissar ...	44 „	Ferozepore ... / Montgomery ...	28 „
Muzaffargarh...	42 „	Muzaffargarh...	27 „
Karnal ... / Mooltan ...	41 „	Siálkot ... / Mooltan ...	25 „

The amount of business for disposal in the Montgomery and Ferozepore Districts was heavy, and the number of officers available to dispose of it was somewhat inadequate.

Average duration in various classes of Courts.

24. The averages in the various classes of Courts were as follows :—

	Contested.		*Uncontested.*	
	1887.	1888.	1887.	1888.
District Judges' Courts	66	67	48	41
Courts of Subordinate Judges with appellate powers	58	60	35	39
Assistant and Extra Assistant Commissioners	48	48	31	35
District Small Cause Courts	20	16	19	15
Cantonment Small Cause Courts ...	21	22	13	13
Munsifs' Courts	32	31	21	20
Tahsildárs' Courts	30	32	20	19
Náib-Tahsildars' Courts	21	23	15	16
Honorary Civil Judges' Courts ...	29	30	21	18

District Small Cause Courts show a marked improvement. The figures for other Courts are much the same in both years.

C.—Agency employed in districts for the disposal of civil suits.

Distribution of civil work between the various grades of Courts.

25. The following statement shows the manner in which original suits were distributed between the various grades of Courts :—

Number of officers employed on civil work.			Grade of Officers.	Original suits decided. Number.			Original suits decided. Percentage.			Average number of cases decided by officers of each grade.		
1886	1887	1888		1886	1887	1888	1886	1887	1888	1886	1887	1888
			District Judges and Subordinate Judges with appellate powers	5,124	6,238	6,289	2·0	2·4	2·3	...	—	...
			Assistant Commissioners	2,920	2,610	3,149	1·2	1·0	1·2	...	...	...
			Extra Assistant Commissioners... ...	20,540	19,908	16,725	8·2	7·6	6·9	...	...	...
118	116	116	Tahsildárs	14,965	16,190	16,285	6·0	6·2	6·0	127	139	140
6	9	5	Náib Tahsildárs	1,734	1,945	1,618	0·7	0·8	0·8	289	216	323
*83	*84	*83	Munsifs	170,299	178,543	188,109	68·1	68·4	70·1	2,052	2,151	2,266
55	56	58	Honorary Civil Judges	10,271	10,679	12,697	4·1	4·1	4·7	187	191	218
4	4	4	Judges of District Small Cause Courts...	†15,947	‡15,446	15,709	6·4	5·9	5·2	3,681	3,654	3,927
9	9	9	Judges of Cantonment Small Cause Courts	8,206	9,353	7,593	3·3	3·6	2·8	912	1,039	844
			Total ...	250,012	260,912	268,174						

The Munsif agency receives an undue proportion of work.

26. The Small Cause Courts and Extra Assistant Commissioners (exercising Munsifs' powers) have taken less and less work, while Munsifs have received a larger amount each year. The Judges have noticed a tendency on the part of some District Judges to relieve the Extra Assistant Commissioners of civil work at the expense of the Munsifs, without regard to the character of the suits transferred. The Munsif agency is specially intended for the disposal of small causes and is in many respects unsuitable for trying important land cases. It was never intended that the Courts at head-quarters should be relieved of the duty of deciding these latter. While the number of Munsifs has remained stationary they have been called upon to decide 18,000 more cases in the year 1888 than in 1886. The number in the latter year (170,299) being fully sufficient to employ the whole number of Munsifs (83) sanctioned by Government. Special directions have already been issued by the Judges on this subject in regard to the Jullundur and Montgomery Districts; but the pressure of Criminal, Revenue and Executive work has been so great that Assistant and Extra Assistant Commissioners are apt to neglect their work as Civil Courts. The matter is receiving the attention of the Judges and need not be further considered in this report. It may, however, be stated that unless the Assistant and Extra Assistant Commissioners are able to dispose of a fair share of civil business, and more particularly to decide the more important land suits, it will become necessary to strengthen the purely civil judicial agency very considerably.

District and Sub-judges.

27. The District or Sub-judge has done a large amount of original work in each of the following districts :—

Lahore	397
Amballa	392
Jhelum	300
Mooltan	295
Rohtak	290

Having regard to the appellate (and in the case of Lahore, Jhelum and Rohtak, Criminal) business disposed of by these officers, these results are creditable to the officers concerned.

* One Munsif is Registrar of the Lahore Small Cause Court

† Includes 1,223 suits disposed of by other officers exercising Small Cause Court powers.

‡ „ 830 ditto ditto ditto.

Honorary Agency noticed.

28. The annexed statement gives the names of the Honorary Civil Judges who disposed of the greatest number of suits. The powers exercised and the number of suits disposed of by each officer are stated :—

District	Name of Judge.	Pecuniary limit of powers	Cases disposed of.
Siálkot	Bahâwal Baksh	100	1,253
Ferozepore ...	Sodhi Rajíndar Singh	100	901
Gujránwála ...	Rájá Harbans Singh	500	768
Siálkot	Sirdár Dál Singh	500	760
Kángra ...	Rájá Niamat-ulla Khán	500	675
Ferozepore ...	Sodhi Indar Singh	500	535
Montgomery ...	Bhag Rai	500	389
Kángrá ...	Rájá Amar Chand	500	382
Ludhiáná ...	Sirdár Uttam Singh	500	360
Hoshiárpur ...	Sirdár Bahádar Rajíndar Singh	50	333
Kohát ...	Muhammad Zaffar Khán	500	328
Delhi ...	Rai Peari Lal	500	290
Do. ...	Muhammad Ikramulla Khán	500	269
Kángrá ...	Rájá Jai Chand	100	256
Házárá ...	Kázi Mir Alam	50	246
Amballa ...	Sirdár Jewan Singh	500	236
Kángrá ...	Rájá Rámpal	500	228
Peshâwar ..	Kesho Mal	100	226
Do. ...	Muhammad Azim Khán	100	216
Kohát ...	Nawáb Sir Khawája Muhammad Khán, K.C.S.I.	500	202
Siálkot ...	Sirdár Rachpal Singh	100	182

It is gratifying to find these gentlemen and other Honorary Judges rendering such valuable services to the Government.

D. Miscellaneous cases.

Miscellaneous cases of a civil nature under the Code.

29. The statement given below shows the number of miscellaneous cases under the Code of Civil Procedure (excluding applications for execution of decrees), instituted in District Courts for the past two years :—

Nature of case.	1887.	1888.
Plaints or memoranda of appeal rejected or returned without registration	5,943	5,493
Applications for restoration to the file of a suit or appeal dismissed in default, or decreed *ex-parte* (Sections 99, 102, 108, 558 and 560, Civil Procedure Code)	14,058	13,643
Objections with regard to attached property, (Sections 278 and 487)	12,610	14,052
Applications for permission to sue as a pauper, (Section 401) ...	1,205	1,278
Applications for review of judgment, (Section 623)	1,749	1,538
Other cases	1,057	1,309
Total. ...	36,622	37,313

These figures call for no particular remarks.

Other miscellaneous cases.

30. Other miscellaneous cases, not connected with the Code of Civil Procedure, rose from 3,113 in the year 1887 to 3,343 in the year under report. 1,824 of these were cases relating to the redemption or foreclosure of mortgages under the Regulations in force in regard thereto. In the previous year, the number of these applications was only 1,643. They were most numerous in the Gujránwála (351), Hissár (224), Amballa (185) and Rohtak (173) districts. There were 557 applications under the law relating to the guardianship and administration of the property of minors and 560 applications for succession certificates. These figures are much the same as in the previous year.

Miscellaneous cases in Divisional Courts.

31. The following statement shows the number of miscellaneous cases disposed of in Divisional Courts during the past two years :—

NATURE OF CASE.	1887.	1888.
Memoranda of appeal rejected or returned	419	473
Applications under Sections 558 and 560 for restoration to the file of an appeal dismissed in default or decided *ex-parte* ...	120	124
Applications for permission to appeal as a pauper	86	66
Applications for review of judgment	108	162
Applications for certificates to appeal under Section 40 (*c*), Punjab Courts Act	1,273	1,384
Cases under the Land Acquisition Act, 1870	25	23
TOTAL ...	2,031	2,232

E.—EXECUTION OF DECREES.

Result of execution proceedings.

32. The following statement gives the details of execution of decree work in District Courts during the past three years :—

YEAR.	Total number of applications for execution before the Courts.	Transferred.	Completely executed.	Partially executed.	Wholly infructuous.	Total number disposed of.	Percentage of cases completely executed to the number disposed of.	Average duration.	Value of money decrees in execution.	Amount realized. Voluntarily.	Amount realized. After issue but without execution of process.	Amount realized. After execution of coercive process.	Percentage realized.
									Rs.	Rs.	Rs.	Rs.	
1886 ...	200,826	1,304	51,281	41,192	83,514	177,291	29	39	1,33,50,855	4,47,918	7,17,226	26,40,117	28
1887 ...	207,488	1,759	53,096	42,940	87,368	185,163	29	37	1,26,00,387	4,37,969	7,74,983	26,82,200	31
1888 ...	215,071	2,010	54,595	43,189	92,117	191,911	28	40	1,34,78,747	5,08,116	7,93,619	30,91,966	32

The increase in the number of applications for disposal, corresponds to the increase in the number of suits for disposal. The percentage of money realized to the value of money decrees in execution shows improvement.

33. The following abstract shows the results of execution proceedings in percentages of decrees disposed of :—

Abstracts of results of working.

	Percentage of Decrees.		
	1886.	1887.	1888.
Completely executed	28·9	28·7	28.5
Partially executed	23·2	23·2	22·7
Wholly infructuous	47·1	47·2	47·9
Transferred	0·8	0·9	0·9

Wholly infructuous applications have increased. The worst results in this respect are given by the Shahpur, Montgomery and Karnál Districts in which the percentage was 60 or more.

34. The whole question of improving the working of the Courts in the matter of executing decrees, has been under the consideration of the Government and the Judges during the past two years. The attention of subordinate Courts has been repeatedly drawn to the subject, and proposals for strengthening and improving the process—serving establishment have been accepted by His Honor the Lieutenant-Governor and are now before the Government of India. At the same time, the Judges do not think that the working of the Courts as shown in the above figures can be regarded as very unsatisfactory when the enormous amount of original work which the Courts have to deal with, is taken into consideration. The proportion of infructuous decrees is doubtless large, but is not greater than in some other provinces where the Courts have more time to devote to execution business than is the case in this Province. Nor can it be assumed that a high percentage of wholly infructuous decrees necessarily implies inefficiency of action on the part of the Courts. The Judges will, however, continue to exercise close supervision over this branch of the judicial administration, and they believe that the measures already taken will result in better working in future.

Remarks on execution of decree business.

35. The following statement shows the processes resorted to for the execution of decrees in each of the last two years.

Modes of coercion employed.

	Number of applications.	
	1887.	1888.
On which process was issued but not executed	58,849	57,209
On which moveable property was attached but subsequently released.	40,327	45,398
On which moveable property was sold	9,243	8,787
On which immoveable property was attached, but subsequently released	6.349	6,732
On which hereditary or joint acquired property in land was sold ...	80	38
On which other immoveable property was sold	2,056	2,203
On which action was taken under Section 305 or Section 306, Civil Procedure Code	678	586
On which possession was given of moveable property ...	558	413
On which possession was given of immoveable property ...	7,191	6,368
On which specific performance was enforced	320	135
On which partition was effected ...	71	63
On which execution was effected otherwise than as above ...	36	79
On which judgment-debtors were arrested but released without imprisonment	7,958	4,044
On which judgment-debtors were imprisoned	1,092	630

The only feature of the above results which calls for notice, is the decreased resort to arrest and imprisonment as a means of executing decrees. In view of recent legislation this may be regarded as satisfactory. The change in the law is, however, calculated to increase the number of wholly infructuous applications for execution.

36. The following table shows the modes of realization :—

Realizations in money decrees.

		Amount realized.		Percentage	
		1887. Rs.	1888. Rs.	1887.	1888.
Paid in voluntaril ...		4,37,969	5,08,116	11	11
Realized.	After issue but without execution of process ...	7,74,983	7,93,619	20	19
	By attachment only ...	18,34,580	22,62,712	47	51
	By sale ...	5,02,559	5,96,238	13	14
	By arrest only ...	2,78,813	1,94,682	7	4
	After imprisonment ...	66,248	38,334	2	1

37. The annexed statement gives details of the number of judgment-debtors arrested and imprisoned, and of the terms of imprisonment :—

Arrest and imprisonment.

Year.	Number of judgment-debtors arrested.		Number of persons detained.			Average duration of detention in days.
	Released without imprisonment.	Imprisoned.	Up to one month.	Between one and three months.	Between three and six months.	
1887	7,958	1,092	647	316	204	41
1888	4,044	630	323	192	108	42

The remarkable decrease in the figures for the year under report has already been alluded to.

38. The following statement shows the distribution of execution work amongst the various grades of Courts, and the results obtained in each :—

Distribution of work amongst the various grades of Courts

Class of Court.	Number of applications disposed of.		Percentage in which satisfaction was obtained in whole or in part		Value of money decrees in execution.		Percentage realized		Average duration.	
	1887	1888	1887	1888	1887	1888	1887.	1888.	1887	1888
					Rs.	Rs.				
Sadár Courts	25,270	23,436	55	53	50,20,737	54,93,136	28	31	51	52
Small Cause Courts .	16,321	16,298	60	58	6,53,836	6,05,804	37	39	25	16
Tahsíl Courts	10,252	9,331	61	59	4,05,774	3,55,083	33	34	34	34
Munsifs' Courts	1 28,580	1,37,584	49	49	62,94,016	67,70,113	32	33	38	39
Honorary Courts	4,731	5,262	60	61	2,26,024	2,54,521	32	37	38	30

The Sadár Courts have taken a smaller share of execution work during the year under report than in the preceding year. The difference has been given to the Munsifs; thus showing that the tendency to relieve the Sadár Courts at the expense of the Munsifs previously mentioned, exists in regard to both original and execution business. The percentages throughout are much the same in both years.

Insolvency proceedings under the Civil Procedure Code

39. The annexed statement gives the number of applications for declaration of insolvency under the Civil Procedure Code, filed, disposed of and pending at the close of the year, and for the years 1886 and 1887.

Year.	Pending from previous year.	Filed.				Disposed of.	Pending.
		By judgment-debtors.		By decree-holders.	Total for disposal.		
		Under arrest or imprisonment.	Against whose property an order of attachment had been made.				
1886	102	101	396	2	601	473	128
1887	128	59	434	1	622	504	118
1888	118	31	328	4	481	402	79

265 of the applications for disposal in the year 1888 were filed in District Courts and 215 in Courts specially empowered.

The results of applications for declaration of insolvency disposed of in each of the last two years, are given below :—

		1887	1888.
Transferred		1 ...	...
Withdrawn or otherwise not prosecuted ...		196 ...	163
Granted	A receiver not being appointed ...	49 ...	36
	Ditto being appointed ...	81 ...	61
Rejected	Penal proceedings not being taken	176 ...	142
	Ditto being taken ...	1 ...	...

The number of applications has decreased. The manner of disposal calls for no special remarks.

The scheduled debts stood at Rs. 8,13,452, against Rs. 9,93,260, and of this sum 33 per cent. was satisfied or disallowed during the year, as against 26 per cent. in the preceding year. Receivers held Rs. 1,50,082 of which Rs. 93,291 or 62 per cent. was disbursed within the year.

Attendance of witnesses.

40. The annexed statement gives particulars as to witnesses who attended the Courts in original civil suits during the past two years :—

	Number.		Difference.	Percentage.	
	1887.	1888.		1887.	1888.
Witnesses who appeared voluntarily	1,40,483	1,39,397	−1,086	35	34
Witnesses for whose appearance a summons was issued	2,58,797	2,73,046	+14,249	65	66
Total ...	3,99,280	4,12,443	+13,163	...	...

The increase in the total number is explained by the increased number of suits and proceedings for disposal. No explanation can be given as to the increase in the number of witnesses who had to be summoned.

Expenses paid to witnesses.

41. 206,124 of the witnesses summoned or 75 per cent. received allowances, against 79 per cent. in the previous year.

The allowance averaged 12 annas for each witness, as against 10 annas 3 pies in 1887. The highest district average was Rs. 1-6-7 in Montgomery and the lowest in Hazara, namely, 7 annas 2 pies. In the previous year also, Montgomery headed the list.

Average cost of process for attendance of witness.

42. The average cost of each process for the attendance of witnesses was 4 annas 11 pies, or about the same as in previous years.

PART II.—SMALL CAUSE COURTS.

Original civil business of District and Cantonment Small Cause Courts

43. The following statement shows the original civil work for disposal by the District and Cantonment Small Cause Courts, and the manner of disposal, for the last two years :—

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
	Number of civil suits on the file												*Average duration.*	
COURT	Pending from last year	Instituted.	Re-admitted under Sections 99 and 103, Act XIV of 1882, or Section 21, Act XI of 1865.	Received by transfer.	Total.	Disposed of without trial.	Without contest.	With contest.	Total disposed of.	Pending at the end of the year.	Pending for more than three months at the close of the year.	Percentage of contested cases.	Contested.	Uncontested.
District Small Cause Courts. 1887 ..	1,119	15,041	411		16,571	2,211	8,494	4,741	15,446	1,125	147	31	20	19
District Small Cause Courts. 1888 .	1,125	15,162	205	1	16,493	1,923	8,985	4,801	15,709	784	106	30	16	15
Cantonment Small Cause Courts. 1887	367	9,209	75	...	9,651	1,308	5,492	2,553	9,353	298	26	27	21	13
Cantonment Small Cause Courts. 1888 ..	298	7,519	85	...	7,902	1,223	4,229	2,141	7,593	309	11	28	22	13

The figures for District Small Cause Courts approximate closely to those for the previous year. Cantonment Small Cause Courts had less work before them. A probable explanation of the decrease has been given in Part I of this report.

District Small Cause Courts.

44. The Lahore Small Cause Court again shows an increase in the number of suits for disposal. The figures have risen from 5,770 in 1886 to 6,285 in the year under report. There were 234 more cases than in the year 1887. In the Simla Court the number stood at 1,569, being an increase of only 120 cases. The figures for the Delhi and Amritsar Courts were 4,028 and 4,608, respectively, being an increase of 451 and 3 cases. The Assistant Commissioner of Kulu decided no cases as a Small Cause Court, and Sodhi Mán Singh was prevented by ill-health from deciding more than 3 cases.

Extension of Small Cause Court jurisdiction in Tahsils.

45. The proposals of the Judges referred to in para. 31 of the report for the year 1887 to invest certain officers in selected Tahsíls with limited Small Cause Court powers in order to deal finally with the bulk of petty litigation, have not been accepted by His Honor the Lieutenant-Governor.

Appointment and powers of Registrars.

46. The experiment which has been tried in the Lahore Small Cause Court of appointing a Registrar with powers to decide suits up to Rs. 10 or Rs. 20 in value has proved successful, and the Judges will consider measures for extending the plan to the Small Cause Courts at Amritsar, Simla and Delhi, where such an arrangement may afford the Judge leisure to render assistance to the District Courts by deciding a limitde number of the more important cases.

Cantonment Small Cause Courts.

47. A slight increase in the number of cases for disposal took place in the Jullundur and Siálkot Courts. In Pesháwar the number rose from 922 to 1,106. In Amballa, Simla, Lahore, Ferozepore, Mooltan and Rawalpindi Courts there was a decrease, which was most marked in the last four Courts mentioned. The Rawalpindi Court has the largest amount of business.

PART III.—APPELLATE COURTS SUBORDINATE TO THE CHIEF COURT.

Institutions of appeals from decrees in District and Divisional Courts.

48 The following statement shows the number of appeals against decrees instituted in District and Divisional Courts during each of the last four years :—

1	2	3	4	5	6	7
	Number of Appeals instituted.					
Year.	In District Courts.	In Divisional Courts.	Total.	Total number of contested cases decided.	Total number of first appeals.	Percentage of first appeals to appealable orders.
1885	8,486	9,386	17,872	71,928	17,872	25
1886	8,162	9,015	17,177	66,797	17,177	26
1887	8,413	9,365	17,778	70,065	17,778	25
1888	8,598	8,846	17,444	73,767	17,444	24

The increase in the number of appeals to District Courts is accounted for by the increased amount of civil litigation disposed of in the lower Courts. There has been a considerable decrease in the number of appeals to Divisional Courts. The amendment of the law of appeal, which came into operation in November of the year under report, may have had a disturbing influence on this branch of business. The percentage of first appeals to appealable orders has fallen.

A.—Appellate Work of District Courts.

Work disposed of and pending—average duration

49. The figures given below show the number of appeals for disposal, disposed of, and pending at the close of the year, with the average duration in days :—

Year	Number of Appeals.			Average duration of Appeals.
	For disposal.	Disposed of.	Pending.	
1886	9,026	8,392	634	30
1887	9,209	8,598	611	27
1888	9,240	8,313	927	26

The average duration shows improvement; but the pending file at the close of the year was higher than in either of the preceding years; but only 21 appeals were pending for more than three months at the close of the year

Districts showing the largest amount of work.

50. In the Hoshiárpur district the number of appeals disposed of was 781; in Gurdáspur, the number was 628, and in the Jullundur and Ferozepore districts, it exceeded 500. The Courts having the lightest amount of appellate work were: Simla (3), Kulu (35),

Kohat (45), Gurgaon (54), Dehli (77), Hazara (79) and Muzaffargarh (83). The alteration of the law of appeal, made by Act XIII of 1888, will probably throw more appellate work on District Judges.

Manner of disposal of appeals.

51. The following table gives the manner in which the appeals in District Courts were disposed of in percentages for the past two years :—

	Percentage.	
	1887.	1888.
Transferred	0·3	0·5
Summarily rejected under Section 551, Civil Procedure Code	20·8	19·9
Struck off for default or under Section 557, Civil Procedure Code, or otherwise not prosecuted ...	4·1	4·3
Order of Lower Court confirmed *ex-parte*	1·3	1·3
" " " after contest ...	35·1	34·1
" " modified	11·3	11·6
" " reversed	16·9	18·4
Remanded under Section 562, Civil Procedure Code ...	10·2	9·9

Value and cost of appeals in District Courts.

52. The annexed statement gives details as to value and cost of appeals in District Courts, with percentages of cost to value :—

Scale of Valuation.	Number of appeals.		Aggregate value of appeals.		Aggregate cost of appeals.		Average value of appeals.		Average cost of appeals.		Percentage of cost to value.	
	In suits for money or moveable property.	In other suits.	In suits for money or moveable property.	In other suits.	In suits for money or moveable property.	In other suits.	In suits for money or moveable property.	In other suits.	In suits for money or moveable property.	In other suits.	In suits for money or moveable property.	In other suits.
			Rs.	Rs.	Rs.	Rs.	Rs. A P	Rs. A P	Rs. A P	Rs. A P		
Not exceeding Rs. 10 ...	1,154	26	7,401	106	2,692	73	6 0 0	6 0 0	2 0 0	3 0 0	36	43
" " 50 ...	3,863	23	1,10,470	648	16,529	118	28 0 0	28 0 0	4 0 0	5 0 0	14	18
" " 100 ...	1,634	6	1,21,710	419	15,840	64	74 0 0	69 0 0	9 0 0	10 0 0	13	15
" " 500 ...	1,426	4	2,85,258	617	31,084	78	200 0 0	154 0 0	22 0 0	19 0 0	10	13
Appeals of which the value cannot be fixed.	13	2	...	.	32	23	... ...	... ...	2 0 0	11 0 0	...	...
Total ... 1888 ...	8,090	61	5,24,017	1,850	66,186	356	64 0 0	30 0 0	8 0 0	6 0 0	12	19
Total ... 1887 ...	8,276	120	5,15,173	4,283	65,080	842	62 0 0	51 0 0	8 0 0	7 12 0	12	15

The average value of appeals in "other suits" has fallen considerably, the percentage of cost is consequently higher in their case.

Miscellaneous appeals.

53. In addition to appeals from decrees, there were 690 miscellaneous appeals that came for disposal before District Courts during the year, as compared with 640 in the year 1887. The details for the last 2 years are :—

	1887.	1888.
Appeals from orders under Section 588, Civil Procedure Code ...	495	447
Other miscellaneous appeals	145	243
Total ...	640	690

54. The manner of disposal of these appeals for the past two years is given below :—

Manner of disposal.

	Percentage. 1887	1888.
Transferred	1·0 ...	0·3
Summarily rejected	14·9 ...	17·3
Struck off for default or otherwise not prosecuted ...	6·9 ...	3·9
Order of Lower Court confirmed	30·6 ...	32·8
" modified	2·3 ...	2·2
" reversed	20·6 ...	18·1
Cases remanded under Section 562, Civil Procedure Code	23·7 ...	25·4

Of the total number for disposal, 637 were disposed of, and 53 remained pending. The average duration was only 23 days against 25 in the previous year.

B.—Appellate work of Divisional Courts.

55. The number of appeals from decrees instituted in the Divisional Courts fell by 519, and was lower than in any of the three preceding years. The figures for each of the past four years were :—

Appeals from decrees instituted in Divisional Courts

1885	9,386
1886	9,015
1887	9,365
1888	8,846

A probable explanation of the cause of the decrease is suggested in para. 48, namely, the fact that the law of appeal was altered towards the close of the year. The abolition of the Extra Divisional Judgeship at Gujrát towards the close of the year, may also have affected the institutions.

56. The number of appeals from decrees pending from the previous year, the number instituted and disposed of during the year, and the number pending at the close of the year, are given below for each of the past two years :—

Disposal of appeals from decrees in Divisional Courts

Year.	Pending from previous year.	Instituted, re-admitted, &c., &c., during the year.	Total for disposal.	Disposed of.	Pending at the close of the year.
1887 ...	3,391	9,808	13,199	8,884	4,315
1888 ...	4,315	9,247	13,562	10,102	3,460

The total number of appeals for disposal and the number actually disposed of were thus considerably in excess of the figures for the previous year. The pending file was reduced by 855 cases, and the disposals were 1,218 in excess of the year 1887. This probably represents the work done by the extra Judge who worked for several months of the year.

57. The following statement gives details of the number of appeals instituted, decided and pending for each Civil Division:—

Details for each Division

Division.	Pending from 1887.	Instituted, re-admitted and received by transfer during 1888.	Disposed of in 1888.	Pending at the close of 1888.
Delhi	198	504	578	124
Umballa	70	731	520	281
Jullundur	608	781	1,023	366
Hoshiárpur (including Kulu)	791	1,104	1,225	670
Amritsar	495	975	994	476
Siálkot	333	837	921	249
Lahore	56	432	423	65
Ferozepore	311	865	854	322
Mooltan	108	392	323	177
Jhelum	681	575	1,043	213
Gujrát	403	313	566	150
Rawalpindi	73	478	437	114
Derajat	160	715	668	207
Peshâwar	28	545	527	46
Total ...	4,315	9,247	10,102	3,460

58. The figures for the Hoshiárpur division include 18 appeals disposed of by the Divisional Judge of Kulu. The statement given above shows that the work is very unevenly distributed amongst the various divisions, but no fair idea of the amount of work which is done by each Divisional Judge can be formed, without taking into consideration the character of the appellate business which has to be dealt with, and the amount of Sessions and Criminal appellate work which has also to be disposed of. For instance in the Hoshiárpur and Jullundur divisions, much of the Civil appellate work is of a very simple description, while the Criminal work is light. In Peshâwar, on the other hand, the Criminal work is exceedingly heavy. In Lahore, the litigation is of an intricate and closely contested character; the same remark applies to the Delhi division. Both in the Delhi and Mooltan divisions, the number of districts is four, and this involves a considerable amount of supervisional work as compared with divisions extending over single districts only. The remarks on this subject contained in para. 42 of the Report for the year 1887, apply equally to the figures for the present year. At the same time it is difficult to suggest any re-arrangement of Divisional limits, which would effect a more equal distribution of work without dividing up districts, and this is not deemed desirable. The limits of the Rawalpindi division have recently been extended to include the Shahpur district, thus relieving the heavily-worked Jhelum division. It is not improbable that when the law of appeal introduced in November last has been some time in operation, the subject of a re-arrangement of Divisional limits may have to be considered.

Distribution of work in Divisional Courts.

59. The average duration of appeals in Divisional Courts for the whole Province has fallen from 173 days in 1886, and 161 days in 1887 to 144 days in 1888. In the Peshâwar division the average duration is only 29 days. In the Jhelum division it is 261 days. Until the accumulated arrears of the Jhelum, Hoshiárpur, Jullundur and Amritsar divisions are worked off, it will be impossible to reduce the average duration to satisfactory limits. The year under report shows, however, marked improvement over the two preceding years.

Average duration.

60. The following table shows how the appeals were disposed of :—

Manner of disposal

	Percentage. 1887	1888.
Transferred, struck off for default, or otherwise not prosecuted	5	7
Order of the lower Court upheld	59	59
" " modified	5	5
" " reversed	23	22
Cases remanded under Section 562, Civil Procedure Code	8	7

These results appear to be satisfactory. The Judges have, however, noticed wide differences in practice in regard to the way in which appeals are dealt with by different Judges at the preliminary hearings. For instance, while the Divisional Judge of Siálkot found himself able to dispose of 736 out of 1,240 cases, without notice to the respondent, most other Courts were only able to deal with from 5 to 15 per cent. of their cases in this manner. The subject will be dealt with by the Judges in due course.

61. The following statement gives the value and cost of appeals disposed of by Divisional Courts, with percentages of cost to value.

Value and cost of appeals.

Scale of valuation	Number of appeals.		Aggregate value of appeals		Aggregate cost of appeals.		Average value of appeals.		Average cost of appeals.		Percentage of cost to value.	
	In suits for money or moveable property.	In other suits.	In suits for money or moveable property.	In other suits.	In suits for money or moveable property.	In other suits.	In suits for money or moveable property.	In other suits.	In suits for money or moveable property.	In other suits	In suits for money or moveable property.	In other suits.
			Rs.	Rs.	Rs.	Rs.	Rs a. p.	Rs. a. p	Rs. a p	Rs. a p.		
Not exceeding Rs. 10	68	1,479	505	8,660	250	6,733	7 0 0	6 0 0	4 0 0	5 0 0	49	77
" " 50	193	2,826	6,730	84,217	1,221	22,062	35 0 0	29 0 0	6 0 0	8 0 9	18	29
" " 100	208	1,366	17,665	98,832	2,719	20,721	82 0 0	72 0 0	13 0 0	15 0 0	15	21
" " 500	286	1,436	1,02,784	3,43,450	11,764	47,150	266 0 0	230 0 0	30 0 0	32 0 0	12	13
" " 1,000	180	130	1,22,104	95,606	14,369	11,977	676 0 0	737 0 0	79 0 0	92 0 0	11	12
" " 5,000	92	59	2,01,319	1,10,733	20,082	12,927	2,188 0 0	2,029 0 0	218 0 0	219 0 0	10	10
" " 10,000	1	..	6,747		690		6,747 0 0		690 0 0		10	..
Appeals of which the value cannot be fixed.	47	1,322			946	30,014	.	...	20 0 0	23 0 0		...
Total 1888	1,175	8,618	4,57,314	6,50,718	52,041	1,52,444	389 0 0	87 0	44 0 0	17 0 0	11	20
Total 1887	913	7,757	4,45,547	6,25,118	51,960	1,41,024	488 0 0	103 14 0	56 2 0	17 9 10	12	17

The average value and cost of appeals have fallen as compared with the figures for 1887.

62. The number of miscellaneous appeals of a civil nature for disposal by Divisional Courts rose from 717 in 1887 to 806 in 1888—755 of these were from orders under Section 588 of the Code of Civil Procedure. The number for 1887 was 661—659 appeals were disposed of against 528 in the previous year The pending file was 147, only 48 of which had been pending for more than three months. The average duration went up from 83 days in the previous year to 113 in the year under report.

Miscellaneous appeals

PART IV.—CIVIL BUSINESS OF THE CHIEF COURT.

Institutions of civil cases in the Chief Court.

63. The following figures give the institutions of civil business of all kinds in the Chief Court for each of the last four years: —

Year.	Original civil suits.	Appeals from decrees.	Appeals from orders.	Applications for revision.	Miscellaneous cases.
1885	4	906	137	1,139	495
1886	3	2,071	303	1,391	586
1887	5	1,858	277	1,087	618
1888	4	2,104	271	1,189	826
Difference in last two years	−1	+246	−6	+102	+208

The increase in the number of appeals from decrees, as compared with the year 1887, was anticipated in para. 49 of the report for that year. Applications for revision and miscellaneous cases also show a substantial increase in the year under report as compared with the year 1887.

Details of appeals from decrees.

64. Of the 2,104 appeals from decrees instituted during the year, the following are the details, compared with details of 1887 :—

	1887.	1888.
First appeals (where value of suit exceeds Rs. 5,000)	96	91
Further appeals as of right	1,711	1,966
On certificate	51	47

As compared with the year 1886, the figures for the year 1888 show a decrease. The figures call for no special explanation.

General statement of civil appellate work.

65. The following is a general statement of civil appellate work in the Chief Court, showing the institutions and disposals, with manner of disposal of appeals from decrees and orders :—

1	2	3	4	5	6	7	8	9	10	11	12	13
Description of appeal.	Year.	Number of appeals instituted.	Number of appeals for disposal.	Number disposed of.	Percentage of appeals. Transferred.	Dismissed for default.	Rejected.	Confirmed	Modified.	Reversed.	Remanded.	Average duration.
First and further appeals. From decrees	1887	1,858	3,518	1,354	1	2	61	16	5	10	5	431
„ orders	1887	277	414	304	1	4	42	14	1	15	23	162
Total ...	1887	2,135	3,932	1,658	1	2	58	16	5	10	8	234
From decrees ... „	1888	2,104	4,208	2,214	1	3	41	24	6	17	8	428
„ orders ... „	1888	271	381	282	1	8	42	15	1	14	19	243
Total ...	1888	2,375	4,649	2,496	1	4	41	23	5	17	9	269
Second appeals. From decrees	1887	...	7	7	...	14	...	29	43	14	..	966
„ orders	1887	...	...	...	...	..	...	...	...	...	..	...
Total ...	1887	...	7	7	...	14	...	29	43	14	..	966
From decrees	1888	...	...	...	...	...	..	...	...	..	...	...
„ orders	1888	...	...	...	...	...	...	...	.	..	...	...
Total ...	1888	...	...	.	...	.	..	...	..	...	...	...
Grand Total ..	1887	2,135	3,939	1,665	1	2	57	16	5	11	8	224
	1888	2,375	4,649	2,496	1	4	41	22	5	17	9	269

Note.—No second appeal was pending at the end of 1887.

66. The number of disposals exceeded institutions, but very little impression has been ma le on the accumulated arrears. The passing of Act XIII of 1888, towards the close of the year affected the figures for the year but slightly.

Disposals exceeded institutions.

67. The Court consisted of six Judges for about eight months, and five for four months of the year.

Strength of the Court.

68. The details of disposals of Civil Appeals for the last three years are given in the following abstract :—

Details of disposal of Civil Appeals.

Year	Number of Appeals.			Total.
	Rejected by a single Judge in Chambers.	*Decided in Court.*		
		By a single Judge.	By a Bench.	
1886	1,375	...	677	2,052
1887	965	109	591	1,665
1888	1,087	104	1,305	2,496

The increase in the number of cases decided by a Bench represents the work done by the two additional Judges.

Further details as to disposal of Civil Appeals are given in the following figures :—

Year.	Chamber work			Total.	Number of appeals decided by Benches.
	Number of Appeals				
	Rejected by a single Judge	Decided by a single Judge.	Admitted by a single Judge.		
1886	1,375	...	1,305	2,680	677
1887	965	109	1,310	2,384	591
1888	1,087	104	1,287	2,478	1,305

69. The average duration of appeals was 269 days. The following statement shows the number of appeals pending. :—

Average duration and pending files.

Years	Number of Appeals pending—			
	In Chamber.	Before Court.	Over three months.	More than a year.
1886	344	1,460	1,433	232
1887	204	2,070	1,911	1,079
1888	219	1,934	1,778	880

70. The following table gives details regarding the value and cost of appeals decided during the year :—

Value and cost of appeals

Value of Suit.	Number of appeals.		Aggregate value of appeals.		Aggregate cost of appeals.		Average value of appeals.		Average cost of appeals.		Percentage of cost to value.	
	For money or moveable property.	In other suits.	For money or moveable property.	In other suits.	For money or moveable property.	In other suits.	For money or moveable property.	In other suits.	For money or moveable property.	In other suits.	For money or moveable property.	In other suits.
			Rs.	Rs.	Rs.	Rs.	Rs. A P	Rs. A P	Rs. A P	Rs A P		
Not exceeding Rs. 10	16	124	89	728	100	980	5 0 0	7 0 0	6 0 0	8 0 0	127	136
" " 50	28	390	735	10,253	277	4,039	26 0 0	30 0 0	9 0 0	12 0 0	37	39
" " 100	25	225	1,070	17,211	329	3,891	78 0 0	76 0 0	13 0 0	17 0 0	16	22
" " 500	71	427	20,564	1,05,775	2,483	13,290	289 0 0	247 0 0	34 0 0	31 0 0	12	12
" " 1,000	76	288	46,707	1,77,075	6,300	11,032	614 0 0	617 0 0	84 0 0	38 0 0	13	6
" " 5,000	78	166	1,60,644	3,40,054	14,715	14,031	2,136 0 0	2,102 0 0	188 0 0	84 0 0	8	4
" " 10,000	20	24	1,36,408	1,54,190	11,586	5,711	6,823 0 0	6,601 0 0	579 0 0	238 0 0	7	3
" " 1,00,000	10	10	2,34,101	1,97,426	9,944	9,911	23,410 0 0	19,742 0 0	994 0 0	901 0 0	4	5
Exceeding " 1,00,000				..							...	.
Appeals of which the value cannot be fixed.		254				6,773	.			26 0 0	..	
Total 1888	324	1,857	6,07,272	10,16,612	45,830	60,658	1,874 0 0	634 0 0	141 0 0	37 0 0	7	6
Total 1887	145	1,180	3,34,647	2,05,029	24,854	36,715	2,307 0 0	249 0 0	164 0 0	30 14 0	7	13

The returns as to cost and value show great variations in the two years probably owing to causes alluded to in other parts of this report.

71. The following statement gives the details of disposal of applications for revision under Section 622 of the Civil Procedure Code, for the last two years:—

Revision.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Year.	For Disposal			Sent to a Bench		Rejected in chambers		Dismissed by a Bench		Order of Lower Court				
	Pending from last year.	Instituted during the year.	Total	Without calling for files.	After calling for files.	Without calling for files.	After calling for files.	In default	On the merits.	Modified.	Reversed.	Remanded for fresh decision.	Total disposed of	Pending at the end of the year.
1887 ..	163	1,087	1,250	101	66	769	152	3	60	4	14	48	1,050	200
1888 ...	200	1,189	1,389	90	92	818	154	12	66	7	33	68	1,158	231

These figures call for no comment beyond the remark that revisional work shows a tendency to increase.

72. The details of the other civil business disposed of by the Chief Court during the last two years are given below :—

Other civil business

Description of Suits	1887.	1888.
Original matrimonial cases	1	2
References under Section 17, Act IV of 1869	3	1
Uncontested applications for probate and letters of administration	11	12
References under Section 617, Civil Procedure Code ..	12	5
Applications for review, for permission to appeal as a pauper, to stay execution of decrees and other miscellaneous applications	617	745
Total ...	644	765

The large increase in miscellaneous applications is noteworthy. In 1886, the number of such applications was 570; in 1887, the number rose to 617, during the past year it reached 745.

Alterations in the law of appeal.

73. The alterations which have been made in the law of appeal will doubtless reduce the number of appeals from decrees, but on the other hand revisional and miscellaneous applications are steadily increasing. The subject of the future permanent strength of the Court is already under the consideration of Government, and from the experience already gained of the new law of appeal, it seems to the Judges to be improbable that it will be possible for less than five Judges to dispose of the entire business of the Court in all its branches.

PART V.—GENERAL.

Process-serving establishment.

74. The annexed statement shows for District Courts the process-serving establishment, the number of processes issued, with the receipts and expenditure for 1887 and 1888:—

Year.	Establishment.				Number of processes issued.			Value of stamps for the service of processes filed during the year.	Total expenditure.
	Názírs.	Náib Názírs.	European process-servers.	Peons.	Civil.	Criminal.	Revenue.		
								Rs.	Rs.
1887	31	195	13	2,113	1,333,598	127,749	104,348	3,58,669	19,094
1888	31	194	13	2,112	1,356,126	142,889	131,811	4,32,895	1,91,611

In Divisional Courts, Rs. 9,768 was realized from process fees, as against Rs. 9,275 in the previous year, while Rs. 3,854 was expended on establishments and postage as against Rs. 3,526 in the previous year.

In Commissioners' Courts, Rs. 1,049 was realized on account of process fees, while Rs. 1,409 was expended on establishments and postage.

In the Chief Court, Rs. 4,451-8-0 was realized as against Rs. 3,897, in the previous year, of which Rs. 125-13-0 was expended on postage. The net profit to Government from the service of processes was Rs. 2,51,663-11-0 as against Rs. 1,77,265 in the previous year.

Increase of the establishment.

75. Proposals for strengthening and improving the process-serving establishment were recently submitted to Government for sanction.

Fees for inspection of records.

76. The income for the last two years in Divisional and District Courts from fees for the inspection of records, and expenditure under the same head, were as follows :—

		Income derived from inspection fees.	Expenditure on establishment, &c., &c.	Balance credited to the Record office fund.
		Rs.	Rs.	Rs.
Divisional Courts ...	1887 ...	5,686	4,052	1,634
	1888 ...	6,333	4,098	2,235
	Difference ...	+647	+46	+601
District Courts ...	1887 ...	13,031	6,156	6,875
	1888 ...	14,146	6,424	7,722
	Difference ...	+1,115	+268	+847

77. Divisional and District Judges have in most cases inspected a large proportion of the Courts subordinate to them, and the reports which have been received, have, on the whole, been satisfactory.

Inspection of Courts.

78. The Judges have reason to believe that the functions of supervision and control vested in Divisional and District Judges have very generally been efficiently discharged.

Functions of supervision and control.

79. The usual selections from Divisional and District reports are attached to this report.

Extracts from reports.

I have, &c.,

A. WILLIAMS,

Offg. Registrar, Chief Court, Punjab.

STATEMENT No. 1.

STATEMENT SHOWING THE NUMBER OF JUDICIAL DIVISIONS AND THE NUMBER OF OFFICERS EXERCISING JURISDICTION IN CIVIL CASES ON THE LAST DAY OF THE YEAR 1888.

1	2	3	4	5	6	7	8	9	10	11	12
Class of Court.	Area.	Population.	Number of divisions for Courts under Chief Court but superior to Chief Courts of Districts.	Number of districts.	Number of sub-districts	Number of Officers.		Total number of cases decided.			
								Original.		Appeal.	
						European.	Native.	Regular.	Miscellaneous.	Regular.	Miscellaneous.
Honorary Courts	107,010 square miles	18,842,264	14	31	124	1	57	12,697	1,183	...	...
Paid Sub-divisional Courts — Tahsil ...						...	121	17,903	1,504	...	...
Paid Sub-divisional Courts — Munsifs ...						...	83	188,109	26,732	...	...
Small Cause Courts						13	1	23,302	1,327	...	...
District Courts other than Chief Courts of Districts						21	70	23,049	5,942	3,938	244
Chief Courts of Districts						31	17	3,114	4,143	4,375	393
Total ...						66	349	268,174	40,831	8,313	637
Divisional Courts						14	...	6	2,232	10,102	659
Chief Court						6	...	4	12	2,214	282
Grand Total ...						86	349	268,184	43,075	20,629	1,578

STATEMENT No. 2.

STATEMENT SHOWING THE NUMBER AND DESCRIPTION OF CIVIL AND ORIGINAL CASES INSTITUTED IN THE CIVIL COURTS OF THE PUNJAB, DURING THE YEAR 1888.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22
	Suits for Money or Moveable Property.													Other suits.							
	Contract in writing.													Suits for possession or recovery of immoveable property founded on							
Class of Court.	Registered.	Unregistered.	Contract not in writing.	On account stated.	Money had and received.	Goods sold.	Wages, work and materials.	Rent, other than of land.	Moveable property or value thereof.	Damages.	Other suits for money or moveables not already mentioned.	Total.	Rent suits and suits under the Punjab Tenancy Act referred to the Civil Courts under Section 54, Punjab Courts Act.	Contract.	Inheritance.	Gift.	Right of pre-emption.	River action.	Other cause.	Suits to recover possession of immoveable property under Section 9 of the Specific Relief Act.	Suits to compel specific performance of contract.
Honorary Courts	147	3,296	2,464	3,358	22	136	128	81	1,081	114	181	11,008	...	225	125	4	80	3	574	48	11
Paid Sub-divisional Courts ... { Tahsil ...	147	3,737	3,327	4,176	47	159	208	274	1,748	150	262	14,235	...	549	488	8	275	1	1,300	86	10
Paid Sub-divisional Courts ... { Munsifs ...	1,238	71,778	31,395	38,070	193	2.052	1,455	1,595	11.885	1,567	1,114	162,342	...	4,881	2,658	42	1,505	...	5,242	389	[illegible]
Small Cause Courts	98	7,131	4,001	4.538	56	3,419	1,266	1,506	472	50	144	22,681	...	...	...	...	...	...	...	...	...
District Courts other than Chief Courts of Districts ...	600	3,834	1,538	3,289	31	58	171	119	950	183	239	11,012	5	2,251	1,992	36	1,188	12	2,073	180	97
Chief Courts of Districts	295	236	52	239	6	12	10	11	31	17	36	945	...	202	354	25	249	3	294	97	11
Total	2,525	90,012	42,777	53,670	355	5,836	3,238	3,586	16,167	2,081	1,976	222,223	5	8,108	5,617	115	3,297	19	9,483	800	199
Divisional Courts	...	...	...	...	...	..	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Chief Court	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	..	...	...
Grand Total ...	2,525	90,012	42,777	53,670	355	5,836	3,238	3,586	16,167	2,081	1,976	222,223	5	8,108	5,617	115	3,297	19	9,483	800	199

STATEMENT No. 2.

STATEMENT SHOWING THE NUMBER AND DESCRIPTION OF CIVIL AND ORIGINAL CASES INSTITUTED IN THE CIVIL COURTS OF THE PUNJAB DURING THE YEAR 1888.—*concluded.*

1a	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44
	Other Suits.																					
								Suits relating to betrothals, marriage, divorce and dower.														
Class of Court.	Suits for declaratory decrees under Chapter VI of the Specific Relief Act.	Other suits under the Specific Relief Act not expressly provided for.	Suits to declare or establish rights to real property, including pre-emption.	Suits to declare or establish personal rights.	Suits for an account other than an account for rent	Suits relating to religious endowments.	Suits to set aside judgment, contracts, or obligations on the ground of fraud.	Suits connected with betrothals.	Suits for enforcement of matrimonial rights.	Suits for dissolution of marriage.	Suits connected with dower.	Suits for or relating to partition.	Suits relating to shipping.	Suits relating to religion and caste	Administration suits.	Inter-pleader suits.	Suits for dissolution of partnership.	Contested suits under Acts X of 1865 and V of 1881	Any suits not included in the foregoing columns.	Total.	Grand Total	Total number of suits shown in columns 2 to 7 which were brought by bankers or shop-keepers against agriculturists.
Honorary Courts	17	1	21	4	...	1	4	81	...	2	19	18	...	4	...	...	1	...	2	1,245	12,253	5,537
Paid Sub-divisional Courts { Tahsil	3	3	38	5	14	...	8	28	...	...	27	17	...	2	...	...	...	...	47	2,909	17,144	6,580
Paid Sub-divisional Courts { Munsifs	172	99	547	102	10	2	68	1,259	74	3	1,594	57	...	21	..	...	4	...	61	18,860	1.81.202	89,982
Small Cause Courts	...	...	..	...	..	...	...	...	..	...	...	...	...	...	...	...	...	...	...	...	22,681	946
District Courts other than Chief Courts of Districts	302	45	574	304	24	2	133	246	935	27	152	56	1	1	1	...	23	...	143	10,803	21,815	5,532
Chief Courts of Districts	110	4	116	56	5	8	41	35	179	11	8	36	1	1	4	...	29	2	47	1,928	2,873	147
Total ...	604	152	1,296	471	53	13	254	1,649	1,188	43	1,800	184	2	29	5	...	57	2	300	35,745	257,968	108,724
Divisional Courts	...	...	...	...	...	...	...	...	...	3	...	...	...	...	...	...	...	...	...	3	3	...
Chief Court	...	...	...	...	...	...	...	...	2	2	...	...	...	...	...	...	...	...	...	4	4	...
Grand Total ...	604	152	1,296	471	53	13	254	1,649	1,190	48	1,800	184	2	29	5	...	57	2	300	35.752	257.975	108,724

STATEMENT No. 2.

PART II.

STATEMENT SHOWING THE NUMBER AND DESCRIPTION OF MISCELLANEOUS CASES INSTITUTED IN THE CIVIL COURTS OF THE PUNJAB, DURING THE YEAR 1888.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23
	Under the Code of Civil Procedure.											Other Miscellaneous Cases.										
Class of Court.	Plaints rejected or returned without registration.	Applications for the withdrawal or transfer of a suit or appeal.	Applications under Sections 99, 103, 108, 558 and 560, for the restoration to the file of a suit, appeal or application for execution dismissed on default or decreed *ex-parte*.	Claims to, and objections to the attachment of attached property under Sections 278 and 487.	Complaints under Sections 328, 332, 334 and 335, except when, in case of obstruction by a claimant in good faith, the case is under Section 331, to be registered as a suit.	Enquiries under Section 258, on the application of the judgment-debtor, as to payment to the decree-holder	Applications under Section 401, for permission to sue as a pauper.	Applications under Section 592 for permission to appeal as a pauper	Applications under Section 623, for review of judgment.	Proceedings under Sections 174 and 643	Total.	Cases regarding redemption and foreclosure of mortgages under Regulations I of 1798, and XVII of 1806.	Applications for certificates of guardianship of minors, or of administration of their property under Acts XL of 1858 and IX of 1861, and for the revocation of such certificates.	Applications regarding the care of lunatics' estates, and the guardianship of their persons under Act XXXV of 1858	Applications for certificates under Act XXVII of 1860	*Uncontested* applications for probates and letters of administration under Acts X of 1865 and V of 1881, and applications for the revocation of such probates and letters.	Other cases connected with the custody and disposal of intestate property.	Cases under Section 14 of the Legal Practitioners' Act, 1879.	Applications for certificates under Section 40 (c) of the Punjab Courts Act.	Cases under the Land Acquisition Act, 1870.	Miscellaneous cases not provided for in the foregoing columns.	Total
Honorary Courts	98	8	604	408	1	..	16	...	40	..	1,175	..	..	...	..	..	.	...	...	...	10	10
Paid Sub-divisional Courts ... Tahsil ...	199	...	697	530	...	11	15	...	67	..	1,519	2	..	...	..	..	.	..	...	...	10	12
Paid Sub-divisional Courts ... Munsifs ..	3,290	16	10,285	10,600	88	392	633	2	776	272	26,354	..	...	.	...	..	..	...	...	...	95	95
Small Cause Courts	156	6	555	369	16	8	10	...	169	10	1,299	...	..	.	.	.	...	..	...	..	...	...
District Courts other than Chief Courts of Districts	1,511	10	1,322	1,877	80	57	435	21	373	7	5,693	30	106	.	75	6	..	.	...	...	118	335
Chief Courts of Districts	239	278	180	268	1	13	169	10	113	2	1,273	1,792	451	8	485	48		1	..	.	106	2,891
Total ...	5,493	318	13,643	14,052	186	481	1,278	33	1,538	291	37,313	1,824	557	8	560	54	..	1	.	...	334	3,343
Divisional Courts	477	..	125	...	.	...	..	69	164	.	835	...	.	..	...	..	...	..	1,389	35	..	1,424
Chief Court	...	...	..	.	...	...	...	...	...	...	..	..	...	..	...	12	...	...	..	..	..	12
Grand Total ...	5,970	318	13,768	14,052	186	481	1,278	102	1,702	291	38,148	1,824	557	8	560	66	...	1	1,389	35	339	4,779

STATEMENT No. 3.

STATEMENT SHOWING THE VALUE OF SUITS INSTITUTED IN THE CIVIL COURTS OF THE PUNJAB DURING THE YEAR 1888.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25
	NUMBER OF SUITS INSTITUTED.																							
	Not exceeding Rs. 10.				*Not exceeding Rs. 50.*				*Not exceeding Rs. 100.*				*Not exceeding Rs. 500.*				*Not exceeding Rs. 1,000.*				*Not exceeding Rs. 5,000*			
CLASS OF COURT.	For money or moveable property.	For land assessed or subject to assessment.	For other immoveable property.	Other suits.	For money or moveable property.	For land assessed or subject to assessment.	For other immoveable property.	Other suits.	For money or moveable property.	For land assessed or subject to assessment.	For other immoveable property.	Other suits.	For money or moveable property.	For land assessed or subject to assessment.	For other immoveable property.	Other suits.	For money or moveable property.	For land assessed or subject to assessment.	For other immoveable property.	Other suits.	For money or moveable property.	For land assessed or subject to assessment.	For other immoveable property.	Other suits.
Honorary Courts	3,279	161	54	4	5,503	233	119	39	1,533	186	47	24	687	221	45	51	6	46	...	...	...	3	...	...
Paid Sub-divisional Courts { Tahsil	4,370	685	168	58	7,728	867	338	97	2,128	462	167	44	9	11	...	1	...	...	...	...	...	...	...	...
Paid Sub-divisional Courts { Munsifs	38,820	1,668	691	167	79,549	3,295	2,271	1,542	25,895	2,571	1,178	714	17,905	2,486	800	590	173	221	66	13	...	...	...	...
Small Cause Courts	7,191	...	...	...	10,782	...	...	...	2,438	...	...	...	2,270	...	...	...	...	...	...	...	...	...	...	...
District Courts other than Chief Courts of Districts	1,801	632	149	30	3,513	1,229	430	176	1,871	1,229	365	242	2,575	2,064	431	339	988	1,042	240	178	256	532	41	29
Chief Courts of Districts ..	8	24	1	...	13	77	9	7	21	86	11	12	122	192	38	50	317	209	48	113	409	443	126	53
Total ...	55,469	3,170	1,063	259	107,088	5,701	3,167	1,862	33,886	4,534	1,768	1,036	23,568	4,974	1,314	1,031	1,484	1,518	354	304	665	978	167	82
Divisional Courts	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Chief Court	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
GRAND TOTAL ...	55,469	3,170	1,063	259	107,088	5,701	3,167	1,862	33,886	4,534	1,768	1,036	23,568	4,974	1,314	1,031	1,484	1,518	354	304	665	978	167	82

STATEMENT No. 3.

STATEMENT SHOWING THE VALUE OF SUITS INSTITUTED IN THE CIVIL COURTS OF THE PUNJAB DURING THE YEAR 1888.—*concluded.*

Class of Court.	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48
	NUMBER OF SUITS INSTITUTED																						
	Not exceeding Rs 10,000.				*Not exceeding Rs. 1,00,000.*				*Exceeding Rs 1,00,000.*				*Suits of which the value cannot be fixed.*			Total.				*Total value of suits.*			
	For money or moveable property.	For land assessed or subject to assessment	For other immoveable property	Other suits.	For money or moveable property.	For land assessed or subject to assessment.	For other immoveable property.	Other suits	For money or moveable property.	For land assessed or subject to assessment.	For other immoveable property.	Other suits	For land assessed or subject to assessment.	For other immoveable property.	Other suits	For money or moveable property	For land assessed or subject to assessment	For other immoveable property.	Other suits.	For money or moveable property.	For land assessed or subject to assessment.	For other immoveable property.	Other suits.
																				Rs.	Rs.	Rs.	Rs
Honorary Courts ..	...	...	...	...	...	...	...	...	...	...	...	...	4	4	4	11,008	854	269	122	4,18,933	1,27,937	18,673	16,177
Paid Sub-Divl. Courts { Tahsil ...	...	...	...	...	...	...	...	...	...	...	...	...	1	2	8	14,235	2,026	675	208	3,56,836	68,564	[illegible]	7,350
Paid Sub-Divl. Courts { Munsifs ...	...	...	...	...	...	...	..	...	...	...	...	...	201	205	180	162,342	10,442	5,211	3,207	74,96,175	10,74,455	[illegible]	2,07,897
Small Cause Courts ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	22,681	...	...	..	7,72,780	45	...	
District Courts other than Chief Courts of Districts	7	20	...	...	1	6	..	2	...	...	...	...	464	72	871	11,012	7,218	1,728	1,867	19,89,982	26.75.025	4,03,105	3.20.123
Chief Courts of Districts ...	34	23	10	8	21	15	1	4	...	1	1	1	138	50	167	945	1,208	295	415	18,47,621	17,12,801	6,89,124	28,21.501
Total ...	41	43	10	8	22	21	1	6	...	1	1	1	808	333	1,230	222,223	21,748	8,178	5,819	1,28.82.327	56.58 827	15,87,627	33.73,048
Divisional Courts	...	..	...	...	...	...	...	...	..	..	...	...	...		3	...	...	...	3	..	...	..	
Chief Court	...	.	...	...	...	...	..	...	...	...	...	...	..	...	4	...	...	...	4	...	...	...	
Grand Total ...	41	43	10	8	22	21	1	6	...	1	1	1	808	333	1,237	222,223	21,748	8,178	5,826	1.28.82.327	56,58,827	15.87,627	33.73,048

STATEMENT No. 4.

STATEMENT SHOWING THE GENERAL RESULT OF THE TRIAL OF CIVIL CASES IN THE COURTS OF ORIGINAL JURISDICTION IN THE PUNJAB IN THE YEAR 1888.

PART I.—CIVIL SUITS.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
CLASS OF COURT.	Total No. of suits before the Courts.	NUMBER OF SUITS DISPOSED OF										Pending at the close of the year.	No. of cases pending more than three months at the close of the year.	Average duration of suits.		Average No. of days the parties or either or any of them had to attend Court.
		Transferred.	Without trial.	Without contest.				On reference to arbitration.		With contest.				Contested.	Uncontested.	
				Compromised.	Decreed on confession.	Decreed ex-parte.	Dismissed ex-parte.	For Plaintiff.	For Defendant.	Judgment for Plaintiff in whole or in part.	Judgment for Defendant.					
Honorary Courts ...	13,359	2	2,484	2,212	2,770	1,432	173	187	24	2,624	789	662	26	30	18	2
Paid Sub-divisional Courts { Tahsil ...	18,606	3	3,672	3,521	3,536	1,639	186	195	50	3,528	1,573	703	31	32	19	3
Paid Sub-divisional Courts { Munsifs ...	200,187	...	37,568	38,036	34,654	22,951	2,463	875	210	38,783	12,569	12,078	382	31	20	2
Small Cause Courts ...	24,395	...	3,146	4,373	4,593	4,023	225	108	20	5,296	1,518	1,093	117	17	14	2
District Courts other than Chief Courts of Districts...	25,686	...	4,638	2,697	2,735	2,044	418	267	50	6,833	3,367	2,637	350	51	36	3
Chief Courts of Districts...	3,740	1	367	394	261	209	39	45	20	1,072	706	626	155	67	41	3
Total ...	285,973	6	51,875	51,233	48,549	32,298	3,504	1,677	374	58,136	20,522	17,799	1,061	33	21	3
Divisional Courts ...	7	...	1	...	...	...	2	...	...	2	1	1	1	85	38	3
Chief Court ...	7	...	...	1	...	1	1	...	...	1	...	3	2	280	168	3
GRAND TOTAL ...	285,987	6	51,876	51,234	48,549	32,299	3,507	1,677	374	58,139	20,523	17,803	1,064	33	21	3

STATEMENT No. 4.

STATEMENT SHOWING THE GENERAL RESULT OF THE TRIAL OF CIVIL CASES IN THE COURTS OF ORIGINAL JURISDICTION IN THE PUNJAB IN THE YEAR 1888.

PART II.—MISCELLANEOUS CASES.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
CLASS OF COURT.	Total No. of suits before the Courts.	NUMBER OF SUITS DISPOSED OF										Pending at the close of the year.	No. of cases pending more than three months at the close of the year.	Average duration of suits.		Average number of days the parties or either or any of them had to attend Court.
		Transferred.	Without trial.	Without contest.				On reference to arbitration.		With contest.						
				Compromised.	Decreed on confession.	Decreed ex-parte.	Dismissed ex-parte.	For Plaintiff.	For Defendant.	Judgment for Plaintiff in whole or in part.	Judgment for Defendant.			Contested.	Uncontested.	
Honorary Courts	1,257	...	291	58	69	37	23	2	.	494	209	74	5	15	14	2
Paid Sub-divisional Courts { Tahsil ...	1,589	...	436	101	58	26	23	3	...	561	296	85	2	19	11	2
Paid Sub-divisional Courts { Munsifs ...	28,658	...	7,626	1,416	1,325	1,032	198	9	6	9,376	5,744	1,926	31	19	13	2
Small Cause Courts ...	1,354	...	392	142	39	42	8	1	1	414	288	27	1	13	13	2
District Courts other than Chief Courts of Districts	6,370	...	2,150	155	72	92	50	29	18	2,059	1,317	428	9	21	11	
Chief Courts of Districts	4,504	...	654	80	33	243	36	...	...	2,308	789	361	22	29	17	2
Total ...	43,732	...	11,549	1,952	1,596	1,472	338	44	25	15,212	8,643	2,901	70	20	13	2
Divisional Courts	2,300	..	1,550	...	..	35	203	...	..	193	251	68	7	36	10	1
Chief Court	13	...	...	...	...	11	1	...	...	...	...	1	...	...	47	1
GRAND TOTAL ...	46,045	...	13,099	1,952	1,596	1,518	542	44	25	15,405	8,894	2,970	77	20	12	2

STATEMENT No. 5.

STATEMENT SHOWING THE BUSINESS OF THE CIVIL APPELLATE COURTS IN THE PUNJAB, DURING THE YEAR 1888.

PART I.—APPEALS FROM DECREES.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
					Heard *ex-parte*.				Contested.								
CLASS OF COURT.	Total number of appeals before the Courts.	Transferred to other Districts.	Decisions confirmed, Section 551, Civil Procedure Code.	Dismissed for default or otherwise not prosecuted.	Confirmed.	Modified.	Reversed.	Remanded.	Confirmed.	Modified.	Reversed.	Remanded.	Pending.	Number pending more than three months.	Average duration of appeals.	Objections under Section 561, Act X of 1877.	Objections allowed.
Appellate Courts other than Chief Courts of Districts	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Chief Appellate Courts of Districts	9,240	48	1,568	358	105	24	54	28	2,831	959	1,520	818	927	21	26	55	18
Total ...	9,240	48	1,568	358	105	24	54	28	2,831	959	1,520	818	927	21	26	55	18
Divisional Courts { Appeals from original decrees...	13,561	73	1,331	631	825	32	75	35	3,842	440	2,163	654	3,460	1,864	144	130	51
Divisional Courts { Appeals from appellate decrees	1	...	...	...	...	...	...	...	...	...	1	...	...	..	...	...	...
Chief Court ... { Appeals from original decrees	272	11	16	5	...	...	1	...	29	17	13	12	168	149	396	2	...
Chief Court ... { Appeals from appellate decrees	6,996	7	899	74	4	...	1	...	492	112	360	161	1,886	1,541	217	9	2
GRAND TOTAL ...	27,070	139	3,814	1,068	934	56	131	63	7,194	1,528	4,057	1,645	6,441	3,575	104	196	71

PART II.—MISCELLANEOUS.

Appellate Courts other than Chief Courts of Districts	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Chief Appellate Courts of Districts	690	2	110	25	24	1	6	10	185	13	109	152	53	2	23	...	...
Total ...	690	2	110	25	24	1	6	10	185	13	109	152	53	2	23	...	...
Divisional Courts { Appeals from original orders	806	11	94	41	85	...	13	10	183	34	112	76	147	48	113	1	1
Divisional Courts { Appeals from appellate orders...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Chief Court ... { Appeals from original orders	167	3	62	3	...	...	...	...	21	1	16	16	45	32	161	1	1
Chief Court ... { Appeals from appellate orders...	214	...	56	20	2	...	1	..	19	2	21	39	54	38	159	...	...
GRAND TOTAL ...	1,877	16	322	89	111	1	20	20	408	50	258	283	299	120	85	2	2

STATEMENT No. 6.

STATEMENT SHOWING THE RESULT OF PROCEEDINGS ON APPLICATIONS FOR THE EXECUTION OF THE DECREES OF THE CIVIL COURTS IN THE PUNJAB IN THE YEAR 1888.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
Class of Court.	Total number of applications to execute decrees for disposal.	Applications disposed of.						Pending at the close of the year.	Pending over three months.	Pending over six months.	Value of money decrees in execution.	Realization in decrees for money.			
		By transfer under Section 223.	*Satisfaction obtained in full.*		*Satisfaction obtained in part.*		Wholly infructuous.					*Amount realized.*			
			Through the Court.	Under Section 258.	Through the Court.	Under Section 258.						Without issue of coercive process.	After issue but without execution of process.	With the issue of process.	Total realized.
											Rs.	Rs.	Rs.	Rs.	Rs.
Honorary Courts ...	5,771	32	1,948	74	1,167	20	2,021	509	51	20	2,54,521	6,592	23,514	65,322	95,428
Paid Sub-divisional Courts. Tahsil ...	10,110	10	3,640	85	1,743	48	3,805	779	78	28	3,55,083	11,083	30,651	81,821	1,23,555
Paid Sub-divisional Courts. Munsifs ...	154,615	949	36,411	519	29,793	392	69,520	17,031	1,762	1,028	67,70,113	1,96,087	4,62,564	15,73,542	22,32,193
Small Cause Courts ...	17,351	843	2,945	1,153	4,030	1,394	5,933	1,053	...	...	6,05,894	81,621	41,980	1,17,103	2,40,704
District Courts other than Chief Courts of Districts ...	20,257	94	5,628	68	3,262	79	8,444	2,682	357	314	24,42,345	59,529	1,16,630	5,07,256	6,83,415
Chief Courts of Districts ...	6,967	82	2,097	27	1,252	9	2,394	1,106	174	160	30,50,791	1,53,204	1,18,280	7,46,922	10,18,406
Total ...	215,071	2,010	52,669	1,926	41,247	1,942	92,117	23,160	2,422	1,550	1,34,78,747	5,08,116	7,93,619	30,91,966	43,93,701

STATEMENT No. 6.

STATEMENT SHOWING THE RESULT OF PROCEEDINGS ON APPLICATIONS FOR THE EXECUTION OF THE DECREES OF THE CIVIL COURTS IN THE PUNJAB IN THE YEAR 1888—*concluded.*

1	17	18	19	20	21	22	23	24	25	26	27	28	29	30
	Number of Applications.													
Class of Court.	On which processes were issued but not executed.	On which the Judgment-debtor was arrested but released without imprisonment.	On which the Judgment-debtor was imprisoned.	*On which moveable property.*		*On which.*				*On which possession was given.*		On which specific performance was enforced.	On which partition was effected	On which execution was otherwise effected.
				Was attached but subsequently released.	Was sold.	Immoveable property was attached but subsequently released.	Hereditary or joint acquired property was sold.	Other immoveable property was sold.	Action was taken under Section 305 or Section 326, C. P. C.	Of moveable property.	Of immoveable property.			
Honorary Courts ...	2,200	141	30	1,743	323	264	1	73	3	40	198	...	6	...
Paid Sub-divisional Courts ... { Tahsil ...	2,098	166	18	2,785	487	328	1	65	1	25	632	9	1	3
Paid Sub-divisional Courts ... { Munsifs ...	41,131	2,477	392	33,833	5,482	4,960	17	1,697	484	180	3,357	25	32	1
Small Cause Courts ...	6,234	747	75	2,701	668	...	...	...	...	27	...	...	...	68
District Courts other than Chief Courts of Districts ...	4,148	422	77	3,556	1,498	922	7	262	72	106	1,386	67	16	5
Chief Courts of Districts ...	1,398	91	38	780	329	258	12	106	26	35	795	34	8	2
Total ...	57,209	4,044	630	45,398	8,787	6,732	38	2,203	586	413	6,368	135	63	79

STATEMENT No. 7.

PROCEEDINGS IN INSOLVENCY UNDER CHAPTER XX OF THE CIVIL PROCEDURE CODE, IN THE PUNJAB DURING THE YEAR 1888.

PART I.—SHOWING THE NUMBER AND RESULT OF APPLICATIONS UNDER SECTION 344 AND THE NUMBER OF INSOLVENTS BEFORE THE COURT.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25
	APPLICATIONS FOR A DECLARATION OF INSOLVENCY															PERSONS DECLARED TO BE INSOLVENTS.								
	NUMBER OF APPLICATIONS DEALT WITH						APPLICATIONS DISPOSED OF.									NUMBER OF INSOLVENTS BEFORE THE COURT				DISPOSED OF				
		Filed during the year							Granted.		Rejected.											Discharged		
		By judgment-debtors.																						
CLASS OF COURT	Pending at the close of the previous year	Under arrest or imprisonment.	Not under arrest or imprisonment	By decree-holders	Received by transfer from other districts.	Total	Transferred to other districts	Withdrawn or otherwise not prosecuted.	A Receiver being appointed.	A Receiver not being appointed.	Penal proceedings under Section 350 not being taken.	Sentence of imprisonment being passed under Section 359.	Applicant being sent to the Magistrate to be dealt with	Total.	Pending at the close of the year.	Remaining at the close of the previous year.	Declared to be insolvents during the year	Received by transfer.	Total.	Transferred.	Died.	Under Section 351.	Under Section 355	Remaining at the close of the year.
Courts other than District Courts specially empowered under Section 360, Civil Procedure Code	59	9	145	2	...	215	...	69	26	21	59	..	.	175	40	44	47		91	...	...	21	18	52
District Courts	58	22	183	2	...	265	..	94	35	15	83	...	..	227	38	50	51	..	101	..	5	21	14	61
Total .	117	31	328	4	..	480	...	163	61	36	142	..	...	402	78	94	98	...	192	...	5	42	32	113

STATEMENT No. 7.

PROCEEDINGS IN INSOLVENCY UNDER CHAPTER XX OF THE CIVIL PROCEDURE CODE IN THE PUNJAB DURING THE YEAR 1888.

PART II.—SHOWING THE NUMBER OF ESTATES IN THE HANDS OF RECEIVERS AND THE PROGRESS MADE IN WINDING UP.

1	2	3	4	5	6	7	8	9	10	11	12	13	14
	Number of insolvent's estates in the hands of Receivers.				*Amount of creditor's claims dealt with during the year*					*Amount of insolvent's assets realized and outstanding*			
CLASS OF COURT.	Pending at the close of the previous year.	Placed in charge of a Receiver during the year	Number of estates in regard to which proceedings were finally closed during the year.	Pending at the close of the year	Unsatisfied and pending at the close of the previous year.	Admitted.	Disallowed.	Satisfied	Unsatisfied and pending at the close of the year	Amount of realized assets in the hands of Receivers at the close of the previous year.	Gross amount realized during the year.	Total amount of disbursements.	Amount remaining in the hands of Receivers at the close of the year
					Rs	Rs	Rs	Rs.	Rs.	Rs.	Rs	Rs.	Rs.
Courts other than District Courts specially empowered under Section 360, Civil Procedure Code	17	26	19	24	3,64,608	18,482	21,154	51,485	3,10,451	16,865	43,634	51,203	10,485
District Courts	53	34	22	65	3,38,792	91,570	59,501	1,38,450	2,32,411	18,844	70,739	42,088	47,495
TOTAL	70	60	41	89	7,03,400	1,10,052	80,655	1,89,935	5,42,862	35,709	1,14,373	93,291	57,980

STATEMENT No. 8.

STATEMENT SHOWING THE USE OF ASSESSORS IN THE CIVIL COURTS OF THE PUNJAB IN THE YEAR 1888.

1	2	3	4	5	6
			ASSESSOR'S TRIALS.		
				Number of cases in which the Judge differed from	
CLASS OF COURT.	Established or average number of assessors in each case.	Number of cases tried with assessors.	Number of cases in which the Judge agreed with the assessors	One assessor.	Both assessors.
Divisional Courts acting under Act X of 1870	2	13	10	2	1

STATEMENT No. 9.

STATEMENT SHOWING THE NUMBER OF DAYS THE SENIOR JUDGE AND EACH OF THE JUDGES OF THE CHIEF COURT, PUNJAB, SAT IN COURT AND AT CHAMBERS IN THE COURT HOUSE DURING THE CALENDAR YEAR 1888.

1	2	3	4	5		6
Name of Judge.	Portion of year during which the Judge was as such present on duty.	Number of days on which the Judge sat in Court for hearing causes.	Number of days (if any) not included in col. 3 on which the Judge sat in the Court House for the transaction of administrative business.	AVERAGE LENGTH OF DAILY SITTINGS. (a). For hearing causes (column 3).	(b). For transaction of administrative business (column 4).	REMARKS.
Sir Meredyth Plowden	The whole year ...	215	12	7 hours	6 hours	There is ordinarily one meeting in each month of the 4 Judges excluding the Additional Bench of 2 Judges for the transaction of the more important administrative business. The current administrative business is transacted from time to time or daily by 4 Judges excluding the Additional Bench of 2 Judges. The figures in columns 4 and 5 (b) show only the number of meetings of 4 Judges and their estimated average duration. The time spent by each Judge on current administrative business cannot be ascertained, nor is it always transacted in the Court House. The holidays on which Judges came to the Court House to write judgments, &c., are not shown.
Mr. Justice Burney	Ditto ...	220	12	Do.	Do.	
Mr. Justice Tremlett	Ditto ...	216	12	Do.	Do.	
Mr. Justice Powell	From 1st January to 12th May, and from 13th November to end of year ...	123	6	Do.	Do.	
Mr. Justice Roe	The whole year ...	196	1	Do.	Do.	
Mr. Justice Frizelle	From 15th June to 13th August, and from 19th November to end of year ...	64	...	Do.	Do.	
Mr. Justice Rattigan	From 1st January to 12th November 1888 ...	160	2	Do.	Do.	

APPENDIX TO THE CIVIL REPORT,

1888.

EXTRACTS FROM DIVISIONAL AND DISTRICT REPORTS.

Extracts from Annual Civil Reports of Divisional and District Judges.

Subject—Institutions—

DIVISIONAL JUDGE, DELHI.

(Mr. Stogdon).

Variations explained.

It will be observed that there has been a general increase of more than 13 per cent. in the number of suits instituted as compared with the preceding year. None of the District Judges has assigned any special cause for this sudden and large increase. It is probably principally due to a series of good harvests which have put the agriculturists in funds and rendered them worth suing.

DIVISIONAL JUDGE, AMBALLA.

(Mr. Roberts).

The great increase in the number of suits by money-lenders against agriculturists within the Amballa and Ludhiána districts is a noteworthy feature in the returns. The increase in the number of applications for foreclosure of mortgages in the former district affords another index of the increasing indebtedness of the agricultural classes. A special report was made on the subject in reply to the circular issued by the Chief Court in November last and no further discussion of it is needed here.

DISTRICT JUDGE, LUDHIANA.

(Mr. Rowe).

Suits by bankers against agriculturists.

The number of suits brought by bankers and shop-keepers against agriculturists in 1888, was 2,871 as against 2,280 in the previous year, 1,969 in 1886, and 1,954 in 1885. I do not think that the increase in this class of suits necessarily indicates a greater resort to village Bankers for pecuniary aid by agriculturists though it points either to the growing impoverishment of the latter class or their desire to trust to the tender mercies of the Courts rather than pay the exorbitant demands of their creditors.

DIVISIONAL JUDGE, JULLUNDUR.

(Mr. Trafford).

The institutions of civil suits in the Jullundur District kept increasing steadily during the last three years. In 1886 there were 12,983 institutions, in 1887 there were 13,494, and last year there were 13,763. The increase in the institutions by 269 cases last year is the more noteworthy as by the provisions of the Tenancy Act, a large number of cases, which were previously heard by the Civil Courts, were throughout the year heard by Revenue Courts. This steady increase shows that the people are becoming more and more litigious every day.

DIVISIONAL JUDGE, HOSHIARPUR.

(Mr. Bullock).

In Hoshiárpur there was a decrease of three per cent. as compared with the previous year, which the District Judge has attributed to creditors having refrained from suing their debtors owing to indifferent harvests.

The increase in Kángra was eight per cent. in comparison with the year before: it occurred principally in small causes. The reasons assigned by the District Judge are high prices and bad harvests.

DISTRICT JUDGE, AMRITSAR.

(Mr. Carr Stephen).

The main increase in litigation was in the Courts of Munsifs and speaks well for the confidence the public has in them.

DISTRICT JUDGE, GURDASPUR.

(Mr. Brown).

The tendency is still upwards, and at first sight about 900 cases would seem to have been lodged in the Shakargarh Munsifee more than in 1887. But this is in great measure due to my having ordered all Munsifs' cases to be filed in the first instance in the Munsifs' Courts, and not as formerly up to a certain limit in the Sadr Courts.

DISTRICT JUDGE, GUJRANWALA.

(Colonel Bartholomew.)

Last year the increase was very large, 1232 cases, and was attributed chiefly to bad seasons which led money-lenders to resort to Court instead of entering into mutual settlement. 1888 has been another unfavorable year and the increase though not so large is attributable to similar causes.

DIVISIONAL JUDGE, FEROZEPORE.

(Mr. Troward).

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The figures show a slight decrease in the Ferozepore district of 145 cases, but as this result appears notwithstanding the fact that in this year 2,112 cases have gone to the Revenue Courts under the Land Revenue and Tenancy Acts, which would previously have been heard by the Civil Courts, it is clear that litigation in this district is on the increase.

Hissar District.

There is an increase of 435 suits in this district for which no special explanation is apparent.

DISTRICT JUDGE, HISSAR.

(Major Rennick).

The increase is attributed to a bad season having prevented zamindars from meeting their liabilities. This, however, I do not quite agree with, but consider that the amount of litigation depends principally on the whim of the money-lenders who are at one time more inclined to be down on their debtors than at others.

DIVISIONAL JUDGE, MOOLTAN.

(Colonel Gurdon).

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As will be seen from the figures there is a very marked decrease in litigation in the Mooltan and Muzaffargarh Districts, while on the other hand there is an almost corresponding increase in Jhang and Montgomery.

It is difficult to assign a correct reason for this fluctuation. The Deputy Commissioner of Jhang thinks that the scanty rainfall of last year influenced the litigation owing to the impoverished state of the agriculturists; generally such a cause might be supposed to reduce litigation, seeing that the people are under such circumstances far less prosperous; nevertheless on the other hand the money-lenders may in a year of drought be more inclined to take severe measures against their constituents for fear they should leave the district. Upon the whole, I think, Mr. Kennedy's reasons appear to be the soundest.

DISTRICT JUDGE, JHANG.

(Baron Bentinck).

In 1887 there was an increase of 586 in institutions over 1886. In 1888 there was an increase of 996. This steady increase of litigation is due to the condition of agriculturists deteriorating from year to year on account of scanty rainfall.

DISTRICT JUDGE, MONTGOMERY.

(Colonel Beadon).

The increase in litigation is due to there having been better harvests during this year than during the two preceding years, and to a smaller extent probably to the colonization of large tracts in the Pak Pattan and Dipalpur Tahsils which formerly lay waste, and to the opening of the Deg Canal in the Gugera Tahsil. The improvement in the

material condition of the district has brought more money into the hands of the agricultura classes and has led to the institution of more suits by the money-lenders of the district for the recovery of old debt. The vigorous efforts made during the year to recover outstanding balances and the consequent pressure placed upon land owners—many of whom belong however to the money-lending castes—will also help to account for the increase in litigation. The revenue collections were Rs. 39,728 more than during the preceding year.

DISTRICT JUDGE, MUZAFFARGARH.

(Mr. Steel).

The decrease would appear partly due to the bad health of the people during the year and partly to failure of crops in certain parts of the district.

DISTRICT JUDGE, SHAHPUR.

(Mr. Wilson).

The decrease is chiefly in suits for money or moveables instituted in the Courts of Munsiffs, partly due it may be to cholera having appeared during the year under report, and disinclined the people to attend the Courts for the time.

DIVISIONAL JUDGE, DERAJAT.

(Mr. Beckett).

The fluctuations in Dera Ismail Khan and Bannu are very small and do not call for any remarks. The institutions in Dera Gházi Khan were 635 over those of 1887, but only 204 more than in 1886, the increase is accounted for by the general increase of litigation all over the country owing to extension of trade and other causes, and was most marked in the Honorary Judges' Courts where the number rose from 865 to 1,168 suits.

DIVISIONAL JUDGE, PESHAWAR.

(Mr. Benton).

It will be seen that there is a very sensible increase of litigation in Peshawar, while Hazara remains at almost the same figure, and there is a very sensible decrease in Kohát. Last year the District Judge of Peshawar explained a smaller increase by attributing it to the dearness of food grains. This year he does not venture to assign any reason. The chief increase appears to be in suits on unregistered bonds and in suits for immoveable property. I should be disposed to set down the increase to a fair amount of prosperity and to the extension of cultivation due to the Swat Canal. This has given rise to many suits with regard to land formerly waste which was before of very little value, but has suddenly become very valuable. Some suits with regard to immoveable property are also doubtless due to the increased activity of the revenue department in registering. No explanation is called for with regard to Hazara.

As regards Kohát the decrease in litigation would appear to be due to the close of Settlement operations, a decrease of suits for immoveable property accounting for more than the whole decrease.

DIVISIONAL JUDGE, DELHI.

(Mr. Stogdon).

Subject.—Classification of suits.

From the figures it will be observed that although the total number of suits shown in columns 2 to 7, shows a general increase of not less than 15 per cent. over the preceding year, the number of suits lodged by shop-keepers in all the districts has risen only by 7 per cent. which is satisfactory.

In Rohtak the number of such suits has steadily decreased during the last few years, in fact it has fallen off by 50 per cent. from 1885. The District Judge has furnished no explanation of this decrease, and looking to the figures of the surrounding districts, I am inclined to suspect that the figures of this district are incorrect.

DISTRICT JUDGE, DELHI.

(Mr. Clifford).

Variations.

The increase, it will be seen, is spread over almost all the heads, the greatest rise being in suits for money otherwise than on bond.

Suits against agriculturists.—1,383 suits were brought by bankers and shop-keepers against agriculturists, as compared with 980 in 1887, and 1,174 in 1886.

DISTRICT JUDGE, KARNAL.

(Mr. Drummond).

I should have expected an increase in suits against agriculturists this year, the harvests of 1884 and 1885 were poor, and 1884 followed on a bad year (1883), so that doubtless a crop of obligations was sown as the difficulties of the rural population increased, which the usurers in certain cases are now proceeding to reap, as the term of limitation expires on the bonds obtained during the previous distress, which the habits and position of the people in certain parts of the district at least, prevent their meeting within so short a period.

The number of suits lodged by bankers against agriculturists during the year was 1,336 as against 1,250 in the year before.

DISTRICT JUDGE, ROHTAK.

(Mr. Ibbetson).

There has been a steady decrease in suits brought against agriculturists by bankers. The figures for the last 3 years being :—

1886	2,004	Suits.
1887	1,602	do.
1888	1,123	do.

On the other hand, the number of suits on unregistered bonds has increased. But the figures for last year were, as then explained, unusually low.

DISTRICT JUDGE, LUDHIANA.

(Mr. Rowe).

Decrease in suits on registered bonds.

The great falling off in the number of suits based on registered bonds in 1888 as compared with the two previous years, is very remarkable, but it is impossible to give a confident opinion as to the cause of this decrease. Possibly it is partly due to the great delay and difficulty attending the execution of decrees against land or immoveable property and to the holders of registered bonds either inducing their debtors to renew their bonds or wait till the law of limitation compels them to resort to legal proceedings, and to fewer bonds of this nature having fallen due during the year under report.

DISTRICT JUDGE, SIMLA.

(Captain Egerton).

Of suits brought by bankers or shop-keepers' against agriculturists, the proportion was but 1·5 per cent., while only one suit was brought to recover possession of immoveable property under Section 9 of the Specific Relief Act.

DIVISIONAL JUDGE, JULLUNDUR.

(Mr. Trafford).

The suits on unregistered bonds fell by 222 cases last year, while they had risen by 155 cases the previous year, and the suits on contract not in writing, fell by 201 cases, while they had risen by 145 cases the year previous, whereas the suits brought by bankers against agriculturists rose by 193 cases, while they had fallen by 260 cases the previous year.

DIVISIONAL JUDGE, HOSHIARPUR.

(Mr. Bullock).

Suits for possession or recovery of immoveable property rose from 694 in 1887 to 827 in 1888. This is explained by the District Judge to be due to the increasing efficiency of the Revenue Record Agency, and the greater care bestowed by the patwaris on their field inspections which brings to light many facts which lead to litigation. I fear that this is too true and involves much disquieting of title.

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The precentage of debt suits in which the plaintiff was a money-lender and the defendant an agriculturist, was 55 as against 51 in the previous year.

DISTRICT JUDGE, KULLU.

(Mr. Diack).

I doubt whether the nine suits "for dissolution of marriage" have been rightly shown under that heading. They were nearly all cases in which women sought for declarations that they were not married to men who were persecuting them with claims but who would not themselves sue in the Courts for restitution of conjugal rights. For instance the plea of the defendant in one of these cases was that the plaintiff was his wife, though as the day fixed for the marriage was inauspicious for him, his younger brother took his place in the ceremony.

DIVISIONAL JUDGE, SIALKOT.

(Mr. Macauliffe).

The increase in suits of the first three classes shows in the Siálkot District an increasing tendency to break through contracts. I have observed in appeal that zamindars mortgage land to one man, and sell it to another, and indeed the devices of this description resorted to are many.

DISTRICT JUDGE, GUJRANWALA.

(Colonel Bartholomew).

The unregistered bond cases represent mainly transactions with agriculturists. It is only when the village banker has got an agriculturist well in hand that he resorts to registration, the unregistered bond for small sums he prefers in the first instance, as there is no going to Kachery and other troubles attendant on registration which the zamindar shrinks from.

DIVISIONAL JUDGE, LAHORE.

(Major Wood).

The number of suits by bankers against agriculturists which had, in the previous year, fallen by 2,061, or 40 per cent. has again increased by 1,377.

No explanation of this sudden increase to the normal level of 1886 has been offered by the District Judge.

DISTRICT JUDGE, FEROZEPORE.

(Rai Buta Mal).

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The above table brings out two points which deserve notice (1) that suits on registered contracts have considerably declined; (2) that suits brought by money-lenders against agriculturists and suits for the recovery and possession of immoveable property have largely increased. The first would appear to be due to the extreme improbability of a successful defence and to the longer period of limitation affording the debtor ample opportunities of settling out of Court. The second may be accounted for by the increased value and security of landed property. It seems to me that the law of limitation has an important effect on the increase and decrease of litigation. The shorter the period, the lesser the chance of the debtor to meet his engagement, and the greater the vigilance and promptitude of the creditor to make sure of his money. Periodical striking of balances, renewal of bonds, or conversion of bonds into decrees of Court only aggravates the evil by accumulation of interest upon interest. Extend the period and the creditor will wait and forbear. The money-lender finds his best investment in land, and his best customers in those who are owners or occupiers of land.

DISTRICT JUDGE, HISSAR.

(Major Rennick).

There is, however, a great increase in contracts not in writing and on accounts stated.

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This increase seems traceable to the fact that two years ago when the harvests were good and the cultivators had been enabled to pay their debts to the bannias, they launched out in fresh loans for marriage purposes which are now falling due, both the borrower and lender finding it more convenient to have the transaction entered on the lender's ledger than to resort to a bond.

DIVISIONAL JUDGE, MOOLTAN.

(Colonel Gurdon).

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In *Jhang* the principal increase is said to be in suits by bankers and shop-keepers against agriculturists which numbered 2,951 suits.

In the *Montgomery* District there was an increase of 600 cases in suits by shop-keepers against agriculturists, and a decrease of 75 in suits for moveable property or value thereof.

DISTRICT JUDGE, MOOLTAN.

(Sardar Gurdial Singh).

More than half of the decrease falls in suits classed as 'accounts stated'. Such suits are generally brought by money-lenders against agriculturists, and the decrease is therefore satisfactory. Suits on registered bonds have nearly doubled, probably because more resort is now had to registration than before.

DISTRICT JUDGE, MONTGOMERY.

(Colonel Beadon).

The increase of 699 cases under the main heads of suits on contracts, *i.e.*, on bonds and suits on accounts stated which are the two forms of suits for the recovery of debts due by agriculturists to money-lenders corresponds almost exactly with the total increase in litigation.

DISTRICT JUDGE, SHAHPUR.

(Mr. Wilson).

The decrease in suits brought by shop-keepers or bankers against agriculturists was 612 from 3,862 to 3,250. The spread of cholera in the district is probably the chief cause of decrease in almost all heads.

DIVISIONAL JUDGE, RAWALPINDI.

(Mr. Gardiner).

The decrease in suits on registered bonds is probably due to the decline of optional registration, which is generally observable and which is always noticed in the reports on registration. I am afraid that the prevalence of forgery, to which the District Judge alludes, has not as yet had the result of inducing honest creditors to resort to registration.

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But the number of suits, which were brought by bankers or shop-keepers against agriculturists has increased from 3,965 in 1887 to 4,528 in the year under report, or 12 per cent. more than in the preceding year.

The proportion of this class of suits to the total number instituted during the year 1888, was 42 per cent. or 5 per cent. more than in 1887.

This increase, coupled with the increase in suits for immoveable property (as pointed out by the District Judge), shows that the indebtedness of agriculturists has become serious in this district and corroborates the view which I recently expressed in a separate correspondence, namely that the introduction of a measure on the lines of the Dekkan Agriculturists' Relief Act is urgently required. It does not appear to be justice to allow money-lenders to charge compound interest in the way they do, or to charge interest at 25 per cent. per annum, for instance on the security of land.

DISTRICT JUDGE, RAWALPINDI.

(Mr. Meredith).

The decrease in the number of suits on registered bonds, and the large increase of suits on unregistered is due, there is reason to fear, to the increase of forgery in the district, especially in the Rawalpindi and Gujar Khan Tahsíls. Numbers of unregistered bonds are rejected both in the Courts of first instance and on appeal, which there is every reason to suspect are forgeries, although the evidence in every case is not sufficient for the institution of a criminal prosecution. The bunniah avoids registration which is partly a guarantee against forgery. It is hoped that the introduction of an Act on the lines of the Dekkan Agriculturists' Relief Act will remedy the existing state of things to some extent.

DIVISIONAL JUDGE, DERAJAT.

(Mr. Beckett).

The number of suits brought by bankers or shop-keepers against agriculturists was the largest since 1884, and shows an increase of 923 suits, or 12 per cent. in one year; 47 per cent. of the total litigation in the division were suits of this description.

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It will thus be seen that Dera Ghazi Khan shows the largest increase of 532 cases. In Dera Ismail Khan not only has the increase of 643 cases, which took place last year, been maintained, but a further rise of 214 cases has occurred during the year under report. The increase is attributed in this district to the prolonged drought for the last five years, which compelled the money-lenders to bring their claims into Court to save them from the Law of Limitation. As I remarked last year the law on this subject should be amended and the period extended in the interests of the agriculturists themselves; we will have fewer suits of this nature if the people had a longer period allowed. Bannu, which showed a considerable falling off last year, shows an increase of 177 cases, but the number is smaller than those of the three previous years.

In Dera Ghazi Khan the District Judge explains the increase as due probably to the increasing indebtedness of the agricultural classes.

DISTRICT JUDGE, DERA ISMAIL KHAN.

(Mr. Homan)

There has been an increase in the number of suits between money-lenders and agriculturists in the year under report.

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This increase is probably due to prolonged drought, especially in Thal, and dearness of food. The rainfall during the last 5 years has been very scanty indeed in this district.

DISTRICT JUDGE, DERA GHAZI KHAN.

(Mr. Field.)

Under this head there is little to remark except the steady increase of suits brought by shop-keepers against agriculturists. In 1886, the number was 2,450 out of 6,304 suits. In 1887, it was 2,629 out of 5,873, and during the present year it is 3,161 out of 6,508 or nearly half of the whole.

The increase is probably due to the steadily increasing indebtedness of the agricultural classes of the district.

DISTRICT JUDGE, KOHAT.

(Captain Leigh).

The number of suits brought by bankers against agriculturists has considerably diminished, *viz.*, from 540 in 1886, to 200 in 1887, and 172 during the year under report, or from 21½ in 1886 to 7 7 per cent of the total litigation of the district. This is due to the fact that owing to prolonged drought and a succession of bad harvests, creditors held back from suing till better times should afford them some chance of realizing.

DIVISIONAL JUDGE, DELHI.

(Mr. Stogdon).

Subject.—Value and cost of suits.

88·6 per cent. of the total number of suits decided during the year were for money or moveables not exceeding Rs. 500 in value. The percentages for 1886 and 1887, were 87 and 86 per cent., respectively.

DIVISIONAL JUDGE, JULLUNDUR.

(Mr. Trafford).

The costs allowed to pleaders rose by Rs. 2,351. The cause of the increase presumably is, that pleaders are now allowed costs in cases involving immoveable property on the market value of the property, and not on the value taken for fixing the institution fee.

The large sums spent on pleaders is not a satisfactory feature in the results of our system.

DISTRICT JUDGE, GUJRANWALA.

(Colonel Bartholomew).

The increase in suits for land is not satisfactory, and shows how largely alienation of land is increasing.

The two last bad seasons have helped to increase the alienations.

DISTRICT JUDGE, FEROZEPORE.

(Rai Buta Mal).

On the general subjects of costs paid by litigants, it may be observed that the several items shown as costs in the decree do not represent the actual expenses of the suit. Pleaders generally make their own terms with the clients, and the percentages on the value allowed as pleaders' fees represent only a portion of what they actually receive. The food and travelling expenses of the parties and their witnesses when not summoned through the Court do not appear on the record. When litigation is prolonged by a resort to further remedies allowed by law, the expenses are still more largely increased.

DISTRICT JUDGE, MOOLTAN.

(Sardar Gurdial Singh).

The costs do not represent the expenses actually incurred by the litigants, as they do not include the fees paid to petition-writers, and that the fee paid to pleaders is higher than the rate allowed to be charged as such by the prescribed rules.

DISTRICT JUDGE, DERA ISMAIL KHAN.

(Mr. Homan).

Really there was a decrease in the value of suits, as suits for the custody of a wife were not before this year regarded as of any value, whereas this year the 51 suits of thise kind are valued at Rs. 51,000; and this year, for the first time, the value of a land suit has been held to be the value of the land in dispute, and not the value of 5 times the revenue of it. These two reasons are also the cause of the increase in the average cost of other suits. Another reason for the increase is that pleaders' fees, owing to the value of a land suit being now regarded as the actual value of the land and not of 5 times of its revenue, have increased. Last year in all cases pleaders' fees amounted to only Rs. 657, whereas this year they are Rs. 2,776. The new way of valuing land cases must therefore be satisfactory to pleaders.

DISTRICT JUDGE, AMBALLA.

(Mr. Bird).

Subject.—Agency by which suits were disposed of.

The Munsifs of Rupar and Jagadhri have decided land cases up to Rs. 50 only in value throughout the year, the Tahsíldárs of Rúpar and Naraingarh have decided 78 such suits in their tahsils, and the Tahsíldár of Amballa has decided 5 cases only. All other land suits including those for other tahsíls between Rs. 50 and 100 in value, have come to the Sadr Courts. It is to be hoped that two Munsifs will be sent soon to Amballa with 1st grade powers to dispose of the pending work.

DISTRICT JUDGE, KANGRA.

(Mr. Rivaz).

The Raja of Rihlu again heads the Honorary Courts with a total of 675 decided cases, and after him comes the Raja of Nádaon with 382 decisions.

DISTRICT JUDGE, LUDHIANA.

(Mr. Rowe).

The Honorary Judges have disposed of a very fair amount of civil work during 1888, which is considerably in excess of the two previous years.

DISTRICT JUDGE, AMRITSAR.

(Mr. Carr Stephen).

The Honorary Civil Judge, Sardár Ajít Singh of Atari, died during the year, his death is a great loss to the district.

The instructions contained in Judicial Circular No. 93, third edition, are strictly adhered to; land and other important suits are made over to the Sadr Courts, and the business of the Munsifs is restricted, as far as possible, to suits of the nature of small causes to enable them to dispose of the number of cases expected from them under the new scheme.

DISTRICT JUDGE, GUJRANWALA.

(Colonel Bartholomew).

Raja Harbans Singh, Honorary Civil Judge, did very little work last year, as he was ill.

DISTRICT JUDGE, JHANG.

(Baron Bentinck).

Mr. Broadway, Honorary Magistrate, Garh Maharaja, who exercises powers of a Munsif of the 3rd Class, decided 161 cases out of which 16 were contested.

DISTRICT JUDGE, SIMLA.

(Captain Egerton).

Subject.—Execution of Decrees.

The importance of the successful execution of decrees has recently been impressed upon Courts by the Chief Court, and although it is hoped that with increased attention to the subject, the results in the future may be more satisfactory, yet it cannot be allowed that the fault for the past shortcomings was entirely that of the Courts executing the decrees. Indeed, as observed in the past year's report, as also in the provincial Reports for 1886 and 1887, the true explanation for the annually recurring increase under the head "wholly infructuous" is undoubtedly to be found in the fact that numerous uncertified adjustments are made out of Court, and thus the cases, though really not so, are returned as such; as well as in the fact that many applications are filed merely to keep alive the decrees, and not with any hope of obtaining satisfaction.

The abolition practically of imprisonment for debt has also, it is believed, in no small degree affected the successful execution of decrees, for judgment-debtors when brought before the Courts have but to plead poverty or some sufficient cause of their inability to pay, to get off altogether, at any rate for the time being. It has certainly, in this district, tended largely to lessen arrests, for, as compared with 250 persons in 1887, only 82 were arrested in execution of decrees during the year under report, while only 12 were committed to prison, of whom only one remained in custody for more than 3 months.

DISTRICT JUDGE, JULLUNDUR.

(Diwan Ram Nath).

The reason for so little use of the law of insolvency by prisoners, in my opinion, is that the agriculturist prisoners do not like to place their lands in hands of Court of Insolvency, and unless they make over their whole property to the Court to deal with it, as it thinks proper, such applications cannot be granted.

Out of 15,411 cases decided during the year, the number of wholly infructuous cases was 7,793, or a little more than one-half. The reasons given for the heavy number of such cases by Munsifs, whom I consulted on this subject, are as follows:—

1. *Supurddars* embezzle the properties.
2. The judgment-debtors receive timely information to conceal their properties.
3. The cases sent to intervene to Collector are not carefully intervened by the Tahsildars.
4. The judgment-debtors obstruct the attachment, and criminal cases fall to the ground for want of evidence.
5. The decree-holders make applications merely to keep their decrees alive with no intention to prosecute them, and hence their default is voluntary.
6. The Civil Courts have no power to punish obstructors themselves in money decrees.
7. Lambardars and zaildars refuse to take charge of properties, and do not consider it a part of their duty to assist the Civil Courts.
8. The judgment-debtors make private and fictitious alienations in favor of their relations before attachments.

DISTRICT JUDGE, GURDASPUR.

(Mr. Brown).

Constant pressure has been brought to bear on the Courts during the year on this point, but not with much result. The percentage realized is, however, above the provincial average of 1887 by 9 per cent. Under recent orders of Chief Court, the Courts now profess to devote one day in the week to execution work. I doubt the plan succeeding. In the first place an overworked Court is sure, if it can, to utilize these days for taking up cases which are falling into arrears: to treat them in fact as mere open spaces to turn current work round in. In the next, it is I fear intensely annoying to suitors to find their work postponed for a week, because some petty report or paper is incomplete. Either, therefore, execution work will go on, on other days also, in which case the principle of undivided attention for one entire day is lost; or constant irritating adjournments will be made, and suitors kept hanging on for a week, not able to go to their homes and back in time, and not able to find food at Court if they remain. Till the judicial staff is sufficiently strengthened to allow of one officer's whole time being devoted to the execution work of the district, I anticipate little improvement.

DISTRICT JUDGE, LAHORE.

(Mr. Harris).

Of the amount of the decrees in execution, the largest proportion of realization was in the Court of Munsifs. If the realizations could come up to 50 per cent., the result would be good. It must be borne in mind, however, that as long as the creditor receives interest, he has no desire to sue for recovery of the original. It is when interest ceases that he seeks the remedy of the Court, and interest only ceases when accumulations of interest and compound interest make the payment regularly of the full amount of interest impossible. The creditor is seldom a loser having recovered in interest and in payments usually more than he advanced. When he comes into Court and gets a desire he scarcely expects to realize the full amount of the decree, he gets what he can. In this way realization cannot possibly equal amount decreed. In addition to this in small decrees execution is taken out and satisfaction is had out of Court and parties do not care to certify this to the Court.

DISTRICT JUDGE, FEROZEPORE.

(Rai Buta Mal).

The insolvency law contained in Chapter XX, Civil Procedure Code, is not sufficiently clear to ensure uniformity of practice. If it is intended for impecunious, but honest debtors, the intention is not apparent from the wording of Sections 344 and 345 under which any judgment-debtor arrested or imprisoned in execution of a decree for money or against whose property an order of attachment has been made in execution of such a decree, may apply to be declared an insolvent. This would include a judgment-debtor possessed of assets exceeding his liabilities in value who just wanted the aid of the Court in realizing outstandings and settling claims against him. To call him an insolvent would be a misnomer, and yet the Court has no power to refuse an application merely because the debtor has sufficient means to satisfy the demands of all the creditors. In fact, it has been ruled by the Chief Court in Punjab Record No. 59 of 1887, that it is not of itself a reason for refusing an application for a declaration of insolvency under Section 344, Civil Procedure Code, that the assets as stated by the applicant in his petition exceed the liabilities to a considerable extent. But if this be so, would the Court exercising insolvency jurisdiction be justified in declaring the insolvent absolved from further liability under Section 358 when one-third of his debts has been paid; or would it be under an obligation to see that the whole of the available funds are applied to the satisfaction of all claims in full, and the balance, if any, returned to the judgment-debtor. There is no provision in the Code for such a contingency. On the contrary, the wording of Section 358 makes it obligatory on the Courts to declare the insolvent absolved from further liability as soon as he has paid five annas four pies in the rupée.

Again, it is not clear what course is to be adopted when a creditor refuses to register his claim. It has been ruled that he can prove and enforce his claim by a suit. Is the insolvent to be harassed again and again at the mercy of his creditors? It has been held in Madras that under Section 352, the Court has the power of framing a schedule of all liabilities admitted by the insolvent whether the creditors register their claims or not, so as to bring the insolvent under the protection provided by Section 357, but this view has not been adopted in the Punjab.

DIVISIONAL JUDGE, JHELUM.

(Mr. Beachcroft).

The falling-off in the percentage of realizations in Shahpur and Jhelum is attributed to scarcity. This may be so, but I am sure that the Courts themselves do not pay sufficient attention to their execution files.

DISTRICT JUDGE, JHELUM

(Mr. DeCourcy).

On the whole, realizations compare favorably with the last year. The character of debtors may easily be seen by the fact that only Rs. 2,432 were paid up voluntarily and that Rs. 27,591 were paid up after issue but without execution of process.

Act VI of 1888 was received here on the 7th May last and has been carefully observed. Two cases occurred, however, in the Court of the Munsif, Chakwál, where attention had not been paid to the Act. Notice was at once taken of this on my finding out the cases when visiting the civil debtors' ward attached to the jail. Owing to continued comparative scarcity great efforts are made to help settlements between parties and applications from debtors in complaint of undue haste in recommending for sale farm lands paying assessment are freely entertained for enquiry. Section 28, Act VII of 1888 has made some important amendments in Section 266 of the Civil Procedure Code which is an advantage to the agriculturist debtor and indirectly to the Baniah creditor too, where he is disposed to act honestly.